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JOURNAL  
OF THE  
SENATE  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF NORTH CAROLINA,  
AT ITS  
SESSION OF 1873-'74.

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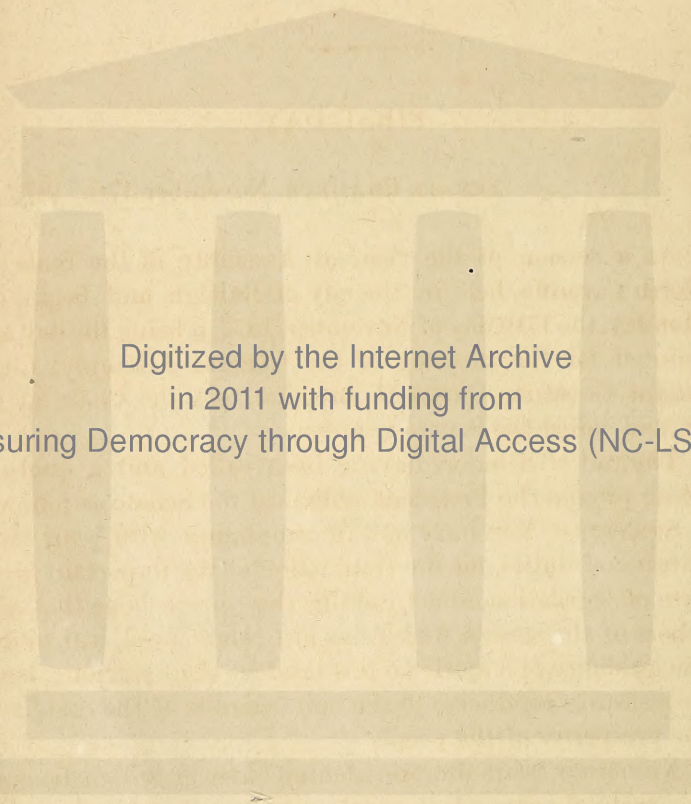
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1873.



SENATE JOURNAL

SESSION 1874



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# SENATE JOURNAL,

SESSION 1873-'74.

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FIRST DAY.

SENATE CHAMBER, November 17th, 1873.

At a session of the General Assembly of the State of North Carolina, held in the city of Raleigh, and begun on Monday, the 17th day of November, 1873, it being the day appointed for the meeting of the General Assembly, Lieutenant Governor, Curtis H. Brogden, took the Chair at 12 m., and called the Senate to order.

The roll of Senators having been called and a quorum being present the President addressed the Senate as follows:

SENATORS: You have met in compliance with your constitutional duties, for the transaction of the important business of legislation, and I indulge the sincere hope that the labors of the session which has just commenced, will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the best interests of the State and the prosperity of the people.

Numerous as are the providential blessings which demand our grateful acknowledgements, our devout gratitude is due to the Supreme Being for having graciously continued to the people of our State, through the vicissitudes of another year, the invaluable blessings of health, peace and plenty. Seldom have our people been so generously exempted from the ravages of any contagious sickness, or the labors of the husbandman more amply rewarded. We have not been



visited with the alarming pestilence which has so fatally afflicted our brethren in some other sections of our Union.

Peace reigns within our borders, and individual happiness rewards the private virtue, industry and enterprise of our citizens, showing the most gratifying state of affairs, and testifying an advance in the improvements of social, and the securities of political life.

The eight amendments to our State Constitution, which were passed at the last session of the Legislature, were accepted by the people of the State at the polls on the first Thursday of August last, it is believed, although no official information of the fact has been received as yet.

This shows with what ease and facility the people can quietly and safely alter and amend their fundamental and organic law, according to their own will and pleasure, without creating any confusion or derangement in any department of the government.

Our Constitution belongs to the people, and it is the work of their hands. It was formed by the people, and for the people, and it provides for equal and impartial liberty and justice to all. Each individual has absolute rights which the State itself should respect.

The will of the majority, legally expressed, wields the destiny of the State, subject to the constitutional and fundamental limitations. The State should have for its first object the welfare of the individual, as such, without regard to pecuniary, social, or educational considerations. And it is precisely in proportion to the State's adherence to these great principles of civil liberty that it will be the seat of order, peace and general prosperity.

Our Federal Government is, perhaps, the only government which, in all its parts, was the result of plan, wisdom and sagacity. Most governments have originated from mere accident, and by a concurrence of unforeseen events. But the plan which the framers of our government adopted was dictated by their knowledge of human rights and human



liberty, and it is probably the ablest and best plan of government ever formed by man.

As no human government can be perfect, the best ever devised by mortal man must be subject to changes, inconveniences and weakness.

Man himself must fail, and it need not be thought strange that all his works should, in that respect, resemble him. The political tactician can easily demonstrate that no system of laws or form of government can be couched in such language as to be beyond the reach of sophistry. The clearest, most forcible and positive expressions are liable to constructions, coloring and perversion. It is remarkable that some of the greatest and most important political disputes in this country have arisen respecting the intent and meaning of the Constitution. The people have taken different sides and maintained the controversy in the most strenuous manner. No representative republican government can be considered as complete in which there does not exist a plenitude of legislative, executive and judicial powers.

Coming from all parts of the State at this interesting period, you must be possessed of a knowledge of the sentiment and wishes of your constituents.

Among the subjects which will claim your immediate attention and action is that in regard to our financial affairs. Our State Treasury is not free from embarrassment, and if the application which is now pending for an injunction to order and enjoin our Public Treasurer not to pay any money out of the Treasury until certain specific claims against the State shall be first paid should be successful, it will require the exercise of wisdom and statesmanship to relieve the Treasury from the extraordinary difficulties which surround it.

Without the employment of prompt and practical means, the ordinary operations of our State government will be



greatly embarrassed, and our charitable institutions and the Penitentiary will soon suffer for necessary support.

The late monetary panic throughout the country was brought about by the operation of events and causes which were not generally foreseen or understood, and therefore it inflicted much injury upon our farming interests, and which, of course, affected other interests, as their prosperity must depend upon that of agriculture.

The present financial embarrassment of a large and respectable portion of our people seems to be such as to need some practical assistance, if any feasible, safe and constitutional remedy can be employed for their relief.

There is another important subject for your consideration in connection with the financial condition of the State. Her interests and honor have been placed by your constituents for the time being in your care.

I trust I do not deceive myself while I indulge in the persuasion that you may be able to make such an arrangement in regard to our State debt as will be just to our creditors and honorable to the State. It is my sincere desire, and in this I presume I concur with you and your constituents, that some definite action shall be taken upon this subject, so that our position may not be misunderstood. We have reached the utmost limit of utility in the mere study and discussion of it, and the time for decisive action has arrived.

If North Carolina is behind some of her sister States in manufacturing industries and improvements, let it not be truly said of her, that she is behind them all in making any efforts to maintain and preserve bright and untarnished her honor and good name. Let us try to do something to prevent any such humiliation and shame.

The do-nothing policy was condemned by our Saviour in the parable of the man to whom was given one talent, and failed to improve it.

There is no propriety in saying that, because we do not acknowledge the justice and validity of some claims against



us, therefore we will not acknowledge those which are just and valid. The individual who would assume such a position in regard to his private debts, might be considered as not strictly honest.

There is another subject of much interest and importance to the people.

Our free public schools need assistance. No system of education can be successful without the necessary support. And whatever multiplies and cheapens the means of education, and elevates its character in any region, enhances the material prosperity of that region. Education is calculated to promote virtue and morality, and it is the surest safeguard against vice, degradation and crime. It elevates and expands the powers of the intellect, and enables the frail children of mortality to fulfill their duties on earth, and read in the book of divine truth of the sublime and marvelous beauty and greatness of all the works of our great Creator. The Christian statesman, who does all he can to spread abroad the immense and invaluable benefits and blessings of necessary education and true Christianity, will merit the richest reward to which he can aspire, true honor on earth, immortal glory in heaven.

Money invested in useful and practical education generally pays better in real enjoyment than any other pecuniary investment. It is a light that shines in darkness, and it is the cheapest and best protection and defense of the people against injustice, oppression and wrong.

Our charitable and penal institutions are all supported by taxes levied from the people, and the management of those institutions should be scrutinized by the Legislature.

Let us faithfully acquit ourselves of the duties and responsibilities imposed upon us, and actuated by pure and virtuous resolutions and intentions, let us go forward to meet the shadowy future with unfaltering steps and with manly hearts. And may that Being who is supreme over all, the Patron of order, the Fountain of justice, and the



Protector, in all ages of the world, of virtuous liberty, continue his blessings upon the people of this State, and give them all permanent and perpetual peace and prosperity, consistent with the ends of his providence.

May the State of North Carolina be the residence of virtue and happiness! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish forever!

I shall rely with confidence upon you, Senators, to maintain and preserve proper order and decorum in your deliberations, and to assist me in the performance of my official duties as the Presiding Officer of this honorable body.

Mr. Welch moved that a message be sent to the House of Representatives informing that honorable body that the Senate had met, and a quorum being present, was ready to proceed with the transaction of business. The motion prevailed, and the message was thereupon sent.

The credentials of Messrs. Stuart L. Johnson and Edward Ransom, Senators elect from the Second Senatorial District, were presented and the Senators duly qualified.

A message was received from the House of Representatives informing the Senate that the House had met, and a quorum being present, was ready to proceed to the transaction of business.

On motion of Mr. Welch, it was ordered that a message be sent to the House of Representatives proposing to raise a joint committee of one on the part of the Senate and two on the part of the House, to wait upon His Excellency, the Governor, and inform him that the General Assembly had met and was ready to receive any communication he might desire to make. The Chair having designated Mr. Welch as the Senate branch of said committee, a message was sent in accordance therewith.

Leave of absence was granted to Mr. Grandy, indefinitely, on account of the death of a member of his family, and to Mr. McCauley for one day.



A message was received from the House of Representatives proposing to raise a joint select committee of two on the part of the Senate and three on the part of the House of Representatives to wait upon His Excellency, the Governor, and inform him that the General Assembly had met and were ready to receive any communication he might desire to make; also designating Messrs. Brown, of Davidson, Carter and Gudger, as the House branch of the committee proposed to be raised.

On motion, the Senate concurred in the proposition of the House, and the Chair having designated Messrs. Welch and King as the Senate branch of the committee, the House of Representatives was notified thereof by message.

Mr. Welch, from the joint select committee to wait upon the Governor, reported that the committee had performed its duty, and that the Governor would communicate with the General Assembly at 12 m. to-morrow by message in writing.

On motion of Mr. Flemming, it was ordered that a message be sent to the House of Representatives proposing to raise a joint select committee to consider and report what action should be taken on behalf of the State of North Carolina in relation to the suit of Self and others against the Public Treasurer of North Carolina, now pending in the Circuit Court of the United States for the Fourth Circuit and Eastern District of North Carolina.

On motion, the Senate adjourned until 12 m. to-morrow.

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## SECOND DAY.

SENATE CHAMBER, November 18, 1873.

Journal of yesterday was read.

A message was sent to the House of Representatives proposing to raise a joint select committee to consider and re-



port what action should be taken in behalf of the State of North Carolina in relation to the suit of Self and others against the Public Treasurer of North Carolina, now pending in the Circuit Court of the United States for the Fourth Circuit and Eastern District of North Carolina.

Leave of absence for three days was granted Mr. Waring.

Mr. Humphrey moved that a message be sent to the House of Representatives proposing to raise a joint select committee of three on the part of the Senate and five on the part of the House of Representatives, on the subject of the State debt. The motion prevailed and the message was sent.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Humphrey: A bill to be entitled an act in relation to the special term of Wayne Superior Court to be held in January, 1874. To the Judiciary Committee.

A bill to be entitled an act in relation to special terms of the Superior Courts. To the Judiciary Committee.

A bill to be entitled an act to amend sections 13 and 14, chapter 156, Laws of 1868-'69. To the Judiciary Committee.

A bill to be entitled an act to adjust the State Debt. To the Joint Select Committee on State Debt. Ordered to be printed.

By Mr. Avera: A bill to be entitled an act to repeal chapter 101, Private Laws of 1870-'71, and to repeal section 2 of chapter 95, Private Laws of 1871-'72. To the Committee on Propositions and Grievances.

By Mr. Cunningham: A bill to be entitled an act to provide for and cure certain irregularities in executions. To the Judiciary Committee.

By Mr. Welch: A bill to be entitled an act declaring what portion of the debt of North Carolina is valid, and to pay off the same. To the Committee on State Debt and Liabilities. Ordered to be printed.



By Mr. Morehead, of Guilford: A bill to be entitled an act to establish an additional term of the Superior Court of Guilford county. To the Judiciary Committee.

The following resolution was introduced, read and disposed of, as follows:

By Mr. Merrimon: Resolution concerning the so-called Special Tax Debt of North Carolina. Referred to the Committee on State Debt and ordered to be printed.

Mr. Welch introduced the following resolution, which was read and adopted:

*Resolved*, That a committee of three be appointed to report Rules of Order for the government of the Senate during the present session.

The Chair designated Messrs. Welch, King and Cunningham as the committee.

Mr. Welch also offered the following resolution, which was read and adopted:

*Resolved*, That the standing committees of last session shall serve during this session until new appointments shall be made.

On motion of Mr. Welch it was ordered that Messrs. Johnston and Ransom be designated to fill the vacancies in the standing committees of the Senate caused by the resignation of Messrs. Respass and Stilley. Thereupon the Chair appointed Mr. Johnston a member of the Committees on Internal Improvements and Penal Institutions, and Mr. Ransom a member of the Committees on the Insane Asylum and Education.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, and accompanying documents, with a proposition to print.



On motion of Mr. Worth the proposition to print was concurred in.

Mr. Avera moved that the Senate do now adjourn until 12 M. to-morrow. The motion did not prevail.

Mr. Merrimon moved that when the Senate adjourns it will adjourn until 12 M. to-morrow. The motion prevailed.

On motion, the Senate adjourned.

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### THIRD DAY.

SENATE CHAMBER, November 19, 1873.

Journal of yesterday was read.

Mr. Welch, from the select committee to prepare Rules of Order for the government of the Senate, reported the following Rules of Order, which were adopted :

#### ORDER OF BUSINESS.

I. The President having taken the Chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistakes therein may be corrected.

II. After the reading and Approval of the Journal, the order of business shall be as follows :

1. The Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Communications and Reports from State Officers.
6. Messages from the House of Representatives.
7. Introduction of Bills and Resolutions requiring three readings.

8. Motions and Senate Resolutions and Concurrent Resolutions that do not require three readings.

9. Unfinished Business of Preceding Day.

10. Special Orders.

11. General Orders; first, bills and resolutions on third reading; second, bills and resolutions on second reading; but messages from the Governor and House of Representatives, and communications and reports from State officers, and reports from the Committee on Engrossed Bills and Enrolled Bills, may be received and acted on under any order of business.

#### POWERS AND DUTIES OF THE PRESIDENT.

III. The President shall appoint all committees, unless otherwise ordered by the Senate.

IV. He shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President, except that of giving a casting vote in case of a tie, when he shall have voted as a Senator; but his power as such substitute shall not continue for a longer period than two days without leave of the Senate.

V. He shall assign to the Doorkeepers their respective duties and stations.

#### OF THE CLERK.

VI. The President and Clerk of the Senate shall see that all bills shall be acted upon by the Senate in the order in which they stand upon the Calendar, unless otherwise ordered as hereinafter provided. The Calendar shall include the number and title of bills and joint resolutions which have passed the House of Representatives and been received by the Senate for concurrence.

VII. He shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed



by a vote of three-fifths or two-thirds of the Senate whenever such vote may be required by the Constitution or laws of this State.

VIII. He shall transmit such bills as shall have originated in the Senate and been passed by both Houses, to the Secretary of State, and enter the same on the Journal.

OF THE RIGHTS AND DUTIES OF SENATORS.

IX. Every Senator presenting a paper shall endorse the same; if a petition, memorial, or report to the General Assembly, with a brief statement of its subject or contents, adding his name; if a resolution, with his name; if a report of a committee, a statement of such a report, with the name of the committee and member making the same; if a bill, a statement of its title, with his name.

X. All motions shall be reduced to writing if desired by the President or any Senator, delivered in at the table, and read by the President or Clerk, before the same shall be debated; but any such motion may be withdrawn at any time before decision or amendment.

XI. If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator: *Provided*, Each sub-division, if left to itself, shall form a substantive proposition.

XII. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper while the Journals or public papers are being read; when the President is putting a question, or a division by counting shall be had, no Senator shall walk out of, or across the house, nor when a Senator is speaking, pass between him and the President.

XIII. Every Senator wishing to speak or debate, or to present a petition or other paper, or to make a motion or report, shall rise from his seat and address the President, and shall not proceed further until recognized by him. No

Senator shall speak more than twice on the same day on the same subject without leave of the Senate; and when two or more Senators rise at once, the President shall name the Senator who is first to speak.

XIV. Every Senator who shall be within the bar of the Senate when a question is stated by the Chair, shall vote thereon, unless he shall be excused by the Senate, or unless he be directly interested in the question; and the bar of the Senate shall include so much of the body of the Senate Chamber as is within the columns.

XV. When a motion to adjourn, or for a recess, shall be affirmatively determined, no member or officer shall leave his place till the adjournment or recess shall be declared by the President.

#### STANDING COMMITTEES.

XVI. Standing Committees, consisting, unless otherwise ordered, of seven members, shall be appointed by the President on the following subjects:

1. On Propositions and Grievances.
2. On Privileges and Elections.
3. On Claims.
4. On Judiciary.
5. On Internal Improvements.
6. On Education.
7. On Military Affairs.
8. On Agriculture, Mechanics and Mining.
9. On Banks and Currency.
10. On Corporations.
11. On Finance.
12. On Insurance.
13. On Penal Institutions.

#### COMMITTEE ON ENGROSSED BILLS.

XVII. A Standing Committee on Engrossed Bills, to



consist of three or more Senators, shall also be appointed by the President.

XVIII. The Committee on Engrossed Bills shall examine all bills, amendments and resolutions before they go out of the possession of the Senate, and make report when they find them correctly engrossed.

XIX. Every report of the committee upon a bill or resolution which shall not be considered at the time of making the same, or laid on the table by a vote of the Senate, shall stand upon the General Orders with the bill or resolution.

#### OF GENERAL ORDERS AND SPECIAL ORDERS.

XX. The matters not referred to any committee shall be placed on the list of General Orders, and the business of the General Orders shall be taken up as follows, viz: The Clerk shall announce the title of each bill with the printed number, or other matter as it shall be reached in its order, when it may be taken up on the motion of any Senator, without the putting of any question therefor; but if not so moved, it shall lose its preference for the day.

XXI. Any bill or other matter may be made a Special Order for a particular day or hour by a vote of a majority of the Senators voting, and if it shall not be completed on that day, it shall be returned to its place in the General Orders, unless it shall be made a Special Order for another day; and when a Special Order is under consideration, it shall take precedence of any Special Order for a subsequent hour of the same day; but such subsequent Order may be taken up immediately after the previous Special Order has been disposed of.

#### ON BILLS.

XXII. Every bill shall be introduced by motion for leave or on the report of a committee, or by message from the House of Representatives.

XXIII. When a bill shall be reported by a committee, and not otherwise disposed of, the question shall be, "shall the report be received?" and when the report of such committee shall be received, and the bill not otherwise disposed of, the bill shall be placed upon the Calendar.

XXIV. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each, whether it be the first, second or third. After the first reading, unless a motion shall be made by some Senator, it shall be the duty of the President to refer the subject matter to an appropriate committee. No bill shall be amended until it shall have been twice read.

XXV. The question on the final passage of every bill shall be taken by yeas and nays, which shall be entered on the Journal, and unless the bill receive the number of votes required by the Constitution to pass it, it shall be declared lost, if a constitutional quorum or the number necessary to pass such a bill be present and voting.

#### PROCEEDINGS WHEN THERE IS NOT A QUORUM VOTING.

XXVI. If, on taking the final question on a bill, it shall appear that a constitutional quorum is not present, or if the bill require a vote of a certain proportion of all the Senators to pass it, and it appears that such a number is not present, there shall be a call of the Senate, and if a quorum is ascertained to be present, the bill shall be again read and the final question taken thereon; if the bill fail a second time for the want of a quorum, or for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the Calendar in its proper order.

#### PRECEDENCE ON MOTIONS.

XXVII. When a question is before the Senate, no mo-



tions shall be received, except those herein specified ; which motions shall have precedence as follows, viz :

1. For an Adjournment.
2. For the Previous Question.
3. For a Recess.
4. To lay on the Table.
5. To Postpone Indefinitely.
6. To Postpone to a Day Certain.
7. To Commit to a Standing Committee.
8. To Commit to a Select Committee.
9. To Amend.

#### THE PREVIOUS QUESTION.

XXVIII. The previous question shall always be as follows: "Shall the main question be now put?" and until it is decided shall preclude all debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution or other matter under consideration ; but when amendments are pending, the question shall be first taken upon such amendments in their order without further debate. If such question be decided in the negative, the main question shall be considered as remaining under debate.

#### OTHER QUESTIONS TO BE TAKEN WITHOUT DEBATE.

XXIX. The motions to adjourn and lay on the table shall be decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

XXX. The respective motions to postpone to a day certain, or commit, shall preclude debate on the main question.

XXXI. All questions relating to the priority of business shall be decided without debate.

XXXII. When the reading of a paper is called for, except

petitions, and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate.

XXXIII. Any Senator requesting to be excused from voting may make, either immediately before or after the vote shall have been called, and before the result shall have been announced, a brief statement of the reasons for making such request, and the question shall then be taken without debate.

#### QUESTIONS THAT REQUIRE A TWO-THIRDS VOTE.

XXXIV. No bill or resolution upon its second reading shall be acted upon out of the regular order in which it stands upon the Calendar, unless so ordered by a vote of two-thirds of the members present.

XXXV. No bill or resolution on its third reading shall be acted on out of the regular order in which it stands on the Calendar, and no bill or resolution shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by a vote of two-thirds of the Senators present.

XXXVI. No bill or resolution shall be sent from the Senate on the day of its passage, except on the last day of the session, unless by a vote of two-thirds of the Senators present.

#### DECORUM IN DEBATE.

XXXVII. No remark reflecting personally upon the action of any Senator shall be in order in debate, unless preceded by a motion or resolution of investigation or censure.

XXXVIII. When a Senator shall be called to order, he shall take his seat until the President shall have determined whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate, and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator, and if any Senator be called to order for words spoken,



the exceptional words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

MISCELLANEOUS RULES.

XXXIX. When a blank is to be filled, and different sums or times shall be proposed, the question shall be first taken on the highest sum or the longest time.

XL. When a question has been once put and decided, it shall be in order for any Senator who shall have voted in the majority, to move a reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate. Nor shall any motion for reconsideration be in order unless made on the same day, or the next following legislative day on which the vote proposed to be reconsidered shall have taken place. Nor shall any question be reconsidered more than once.

XLI. All concurrent resolutions originating in the Senate, and that do not require three readings, shall lie on the table at least one day.

XLII. Any Senator introducing a bill to amend a law, shall repeat in said bill the section as it will stand if the proposed amendment be adopted.

XLIII. No smoking shall be allowed within the Senate Chamber during the sessions.

XLIV. Senators and visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session, and shall continue uncovered during their continuance in the Chamber.

XLV. No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is so absent without leave.

XLVI. No person other than the Executive and Judicial



officers of the State, members and officers of the Senate and House of Representatives, unless on invitation of the President, or by a vote of the Senate, shall be admitted within the bar.

XLVII. No rule of the Senate shall be altered, suspended or rescinded without a vote of a majority of all the Senators elected; and no motion to suspend shall embrace more than one rule, or relate to any other subject than the one specified in said motion.

XLVIII. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or any other person, for any or all absent Senators, as the majority of Senators present shall determine.

XLIX. The yeas and nays upon any question shall be taken and entered upon the Journal upon demand of one-fifth of the Senators present.

Mr. Murphy moved that a message be sent to the House of Representatives proposing to raise a joint select committee to report Joint Rules of Order for the government of the General Assembly during the present session. The motion prevailed, and the Chair having designated Messrs. Murphy, Cunnigham and King as the Senate branch of the committee, the message was accordingly sent.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, covering a communication from David A. Jenkins, Public Treasurer of North Carolina.

On motion, the message and accompanying documents were referred to the Joint Select Committee on the suit of Self and others against the Treasurer.

A message was received from His Excellency, the Governor, covering a report from the State Geologist.

On motion, the message and accompanying documents were referred to the Committee on Agriculture, Mining and Mechanics.

A message was received from the House of Representa-



tives informing the Senate that that body had concurred in the proposition to raise a joint select committee on the suit of Self and others against the Public Treasurer, and designating Messrs. Brown, of Mecklenburg, Bennett, Bowman, Moss and Guyther as the House branch thereof.

The Chair having designated Messrs. Flemming, King and Cunningham as the Senate branch of said committee, the House of Representatives was notified thereof by message.

A message was received from His Excellency, the Governor, covering a report from N. W. Woodfin, Esq.

On motion, the message and accompanying documents were laid on the table.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition to raise a joint select committee on State Debt and Liabilities, and designating Messrs. McGehee, Jones, of Orange, Rhodes, Johnston and Lutterloh as the House branch of said committee.

The Chair having designated Messrs. Humphrey, Norwood and Seymour as the Senate branch of said committee, the House of Representatives was informed thereof by message.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Merrimon: A bill to be entitled an act to amend section 13 of chapter 64 of Battle's Revisal, entitled "Landlord and Tenant." To the Committee on Judiciary.

A bill to be entitled an act to amend chapter 117 of Battle's Revisal, entitled "Widows." To the Committee on Judiciary.

By Mr. Avera: A bill to be entitled an act to fix the weight of packages containing salted fish, &c. To the Committee on Propositions and Grievances.

By Mr. Morehead, of Guilford: A bill to be entitled an

act to insure the completion of the Western Railroad.  
Placed on the Calendar.

On motion, the Senate adjourned until 12 M. to-morrow.

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#### FOURTH DAY.

SENATE CHAMBER, November 20th, 1873.

Journal of yesterday was read.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition to raise a joint select committee to prepare Joint Rules of Order, and designating Messrs. Jones, of Caldwell, Richardson, Gilbert, Anderson of Clay, and Wheeler, as the House branch of said committee.

Mr. Flemming, at his own request, was excused from further service as a member of the Joint Select Committee on the suit of Self and others against the Public Treasurer, and the Chair designated Mr. Merrimon as a member of said committee, to fill the vacancy, and the House was notified thereof by message.

Mr. Murphy, from the Joint Select Committee to prepare Joint Rules of Order, submitted the following report:

#### JOINT RULES OF ORDER.

1. Each House shall transmit to the other all papers on which any bill or resolution shall be forwarded.

2. When a bill or resolution which shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3. Messages from one House to the other, shall be communicated by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.



4. It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

5. In every case of difference between the two Houses upon any subject of legislation, either House may request a conference, and appoint a committee for the purpose, and the other shall also appoint a committee to confer. The committee shall meet at such time and place as shall be appointed by the chairman of the committee on the part of the House requesting such committee. The conferees shall state to each other verbally, or in writing, as either shall choose, the views of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they may think advisable. But no committee on conference shall consider or report on any matters, except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House; when such House shall have acted thereon, they shall transmit the same and the papers relating thereto to the other, with a message certifying its action thereon.

6. It shall be in order for either House to recede from any subject matter of difference existing between the two Houses at any time previous to conference, whether the papers on which such difference arose are before the House receding formally or informally, and on such vote to recede, the same number shall be required to constitute a quorum to act thereon and to assent to such receding as was required on the original question out of which the difference arose.

7. All joint committees of the two Houses, and all committees of conference shall consist of three Senators and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.

8. There shall be printed on joint order, unless otherwise specified, two hundred and twenty copies of all messages



from the Governor, all reports of standing or select committees, and all reports or communications made in pursuance of law.

9. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one joint order, unless otherwise expressly directed by either House.

10. The Clerk of each House shall receive from the Public Printer all matter ordered by their respective Houses, and shall keep a book and enter therein the time of reception by him of every such bill or document, and the number of copies received, and shall cause each and any of such bills or documents to be immediately placed upon the desks of the members.

11. The two hundred and twenty copies of messages from the Governor, reports of committees, and reports or communications made in pursuance of law, ordered to be printed by section eight, shall be distributed as follows: to the Senate, seventy copies; to the House of Representatives, one hundred and fifty copies.

12. There shall be joint standing committees, consisting of three members of the Senate and five members of the House of Representatives, on the following subjects:

1. On Public Buildings and Grounds.
2. On Library.
3. On Deaf, Dumb and Blind Asylum.
4. On Insane Asylum.
5. On Enrolled Bills.
6. On Penal Institutions.
7. On Printing.
8. Banks and Currency.
9. Insurance.

On motion, the report was adopted and transmitted to the House of Representatives for concurrence, with a proposition to print the same.

The following named bills were introduced, read, and



passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives, House bill No. 10, a bill to be entitled an act to repeal so much of chapter 171, Laws of 1872-'73, as prohibits the sale of intoxicating liquors within the corporate limits of the town of Lumberton. To the Committee on Propositions and Grievances.

By Mr. Tod: A bill to be entitled an act to make slander a misdemeanor. To the Committee on Judiciary.

A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the town of Jefferson, Ashe county. To the Committee on Propositions and Grievances.

By Mr. Norwood: A bill to be entitled an act to prevent fraud in the sale of commercial manures. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Morehead, of Guilford: A bill to be entitled an act supplemental to and explanatory of all acts of incorporation passed by the present General Assembly. To the Committee on Judiciary.

By Mr. Harris: A bill to be entitled an act to cede to the United States, part of lot No. 99, in the city of Raleigh. To the Committee on Propositions and Grievances.

By Mr. Merrimon: Resolution in favor of Hon. J. S. Henry. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Murphy: Resolution requiring the Doorkeeper to have additional furniture procured in Senate Chamber. Referred to the Committee on Propositions and Grievances.

By Mr. Dunham: Resolution concerning affairs in Cuba. Laid over under the rules.

Mr. Cunningham introduced the following resolution:

*Resolved*, The House of Representatives concurring,



that two hundred copies of the report of the Superintendent of Public Instruction be published annually for distribution by him."

On motion of Mr. Cunningham the rules were suspended, the resolution was read and passed second and third times, and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Norwood moved: That so much of the Governor's message as relates to the public debt be referred to the Joint Select Committee on that subject.

That so much thereof as relates to the subject of education be referred to the Committee on Education.

That so much thereof as relates to railroads and other internal improvements, be referred to the Committee on Internal Improvements.

That so much thereof as relates to the administration of justice, constitutional amendments and Battle's Revisal, be referred to the Committee on Judiciary.

That so much thereof as relates to the Penitentiary, be referred to the Committee on Penal Institutions.

That so much thereof as relates to vacant lands, immigration and State Agricultural Society, be referred to the Committee on Agriculture, Mechanics and Mining.

That so much thereof as relates to the militia, be referred to the Committee on Military Affairs.

That so much thereof as relates to the Insane Asylum and Orphan House, be referred to the Committee on Insane Asylum.

That so much thereof as relates to the Institution for the Deaf and Dumb and the Blind be referred to the Committee on that subject.

That so much as relates to private corporations, be referred to the Committee on Corporations. The motion prevailed.

On motion, the Senate adjourned until 12 m. to-morrow.



## FIFTH DAY.

SENATE CHAMBER, November 21, 1873.

Journal of yesterday was read.

Indefinite leave of absence was granted Mr. Worth on account of sickness in his family.

The President announced a communication from the Secretary of the Fair of the Carolinas, inviting the members of the Senate to be present at its third annual exposition.

On motion of Mr. Morehead, of Rockingham, the President of the Senate was requested to inform the said Secretary of the reception of the invitation, and that such members of the Senate as could do so, would attend the exposition on Thursday, the 27th inst.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Harris: A bill to be entitled an act to prevent whipping in the State prison and jails. To the Committee on Propositions and Grievances.

By Mr. Seymour: A bill to be entitled an act to amend an act entitled an act supplemental to an act to lay off and establish the new county of Pamlico. To the Committee on Judiciary.

Mr. Merrimon introduced the following bill, which was read and passed first time and placed on the Calendar:

A BILL TO BE ENTITLED AN ACT IN RELATION TO THE DUTIES  
OF THE PUBLIC TREASURER.

WHEREAS, The Public Treasurer of North Carolina has refused, and still refuses, to pay the lawful claims upon the Treasurer of the State, under the pretence that he has been enjoined from doing so by an order of the Circuit Court of



the United States for the Eastern District of North Carolina, in the suit of one Self and others against him ;

*And whereas,* No such injunction has been granted by said Court or issued against him ; therefore,

SECTION 1. *The General Assembly of North Carolina do enact,* That the Public Treasurer of North Carolina be and he is hereby required to pay out of any moneys in the Treasury all lawful warrants or drafts drawn upon the Treasurer of the State ; and if he shall fail or refuse to pay the same, he shall forfeit the sum of one thousand dollars, to be recovered at the suit of any citizen of the State, one half of which sum shall go to the person suing for the same and the other half to the State ; and he shall moreover be guilty of a misdemeanor, and upon conviction in the Superior Court of Wake county, shall be imprisoned not less than three nor more than twelve months.

SEC. 2. This act shall take effect from its ratification.

The following named resolution was introduced, read and disposed of, as follows :

By Mr. Cunningham : Resolution in reference to the public printing. Laid over under the rules.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate resolution No. 14—Resolution concerning the report of the Superintendent of Public Instruction.

Bills and resolutions were acted on under a suspension of the rules, as follows :

Senate bill No. 24—A bill to be entitled an act in relation to the duties of the Public Treasurer. Read second time, and, on motion of Mr. Merrimon, made special order for 12½ P. M. to-morrow.

Mr. Dunham moved that when the Senate adjourn it will adjourn until 12 M. to-morrow. The motion prevailed.



Mr. Dunham, by consent, introduced the following resolution:

WHEREAS, Intelligence has come to the Senate, of the death at his house in Salisbury, on Thursday, November 20th, 1873, of the Hon. Nathaniel Boyden, late an Associate Justice of the Supreme Court of the State; therefore,

*Be it resolved by the Senate,* That as a mark of respect to the memory of said deceased, the Senate do now adjourn.

The resolution was unanimously adopted, and the Senate thereupon stood adjourned.

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#### SIXTH DAY.

SENATE CHAMBER, November 22, 1873.

Journal of yesterday was read.

Leave of absence was granted Mr. Davis until Tuesday, and to Mr. McCabe for three days from and including Monday next.

Mr. Cramer moved that a committee of two be appointed to wait upon the Attorney General and request his opinion in writing as to whether the recent notice served upon the Public Treasurer, in the case of Alfred Self and others, can be construed as a restraining order. The motion prevailed, and the Chair appointed Messrs. Cramer and Ellis, of Columbus, as the committee.

Mr. Ellis, of Columbus, moved that a sufficient number of copies of the proceedings of the Senate, while in Executive session at its last session, to be placed upon the desks of members of the General Assembly, and to be bound up with the Senate Journal of this session, be ordered to be printed. The motion prevailed.

Mr. Ellis, of Columbus, from the select committee to wait upon the Attorney General, reported that the committee had performed its duties, and that the Attorney General would communicate his opinion on the subject referred to him as soon as possible.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Norwood: A bill to be entitled an act to amend section 13, chapter 27 Battle's Revisal. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act to amend chapter 52, section 10 Battle's Revisal. To the Committee on Judiciary.

By Mr. Nicholson: A bill to be entitled an act to establish a turnpike from the town of Statesville, in Iredell county, to the Virginia line. To the Committee on Internal Improvements.

The Chair announced the following communication from the Attorney General, which was read for the information of the Senate:

ATTORNEY GENERAL'S OFFICE,  
Raleigh, N. C., November 22, 1873.

*To the Honorable, the Senate of North Carolina:*

Your committee, Senators John T. Cramer and J. W. Ellis, have just called on me, and requested, in behalf of the Senate, an answer in writing to the question whether there is now any restraint upon the Public Treasurer from paying out money from the Treasury by reason of the suit of Alfred Self and others against him in the Federal Court.

In reply, I beg leave to say, that no writ of injunction can be granted by any Judge of the United States "in any case, without reasonable previous notice to the adverse



party or his attorney of the time and place of hearing for the same." See Brightly's Digest, Laws of the United States, vol. 1, page 256, title Equity, section 3. Upon an examination of the process served upon the Public Treasurer, it appears that a bill was filed by Alfred Self, a citizen of the State of New York, in the clerk's office for the Eastern District of North Carolina, praying for a subpœna, &c., and an injunction special till the hearing and perpetual thereafter, &c. The usual equity subpœna was issued 13th November, 1873, commanding the defendant to answer the bill and receive and abide the judgment, &c., of the Judge, on pain of judgment by default being taken against him, on or before the first Monday of January next. His Honor Judge Bond, on the 10th of November, made an order that the cause be set for hearing upon the motion for an injunction on Wednesday of the Circuit Court, to be held at Raleigh, provided a copy of this order be served on the defendant within six days from the date of the order.

This was simply an order that he would hear and consider the application for the injunction on the third day of the term, provided the notice was given, and at *that time* grant the injunction, or at *that time* refuse the injunction.

He certainly did not grant a writ of injunction at the time he made the foregoing order, nor could he have done so, because no notice had been given to the defendant. And further, the idea of an injunction is excluded by fixing a day when he would decide to grant or deny the writ.

If the complainant, Alfred Self, had desired a restraining order before the hearing of the motion for an injunction, it was competent for him to apply for it, and his Honor might, in a proper case, if there appeared to be danger of irreparable injury from delay, have granted "an order" restraining the Public Treasurer until the decision upon the motion for an injunction.

So easy was it for the complainant to have obtained such restraining order, that he could, in the discretion of the



Judge, upon a proper case, have had it without security. See Act of Congress, approved June 1st, 1872, chapter 255, section 7, Statutes at large, second session of the 42 Congress, yet having a right upon a proper case to this order, he has not obtained it. No such order has been made, that I am aware of. It may be urged that the prayer for a writ of injunction in the bill, and the service of a copy of the bill and the subpoena, together with the order setting the motion for an injunction for hearing on a certain day, operate as an injunction or order of restraint. Not so. If such restraint had been desired, the complainant had his remedy—his course was marked out by the statute. And when a party has a remedy plainly provided by law, that is the one he must take.

I am of opinion that the Acts of Congress, above alluded to, are decisive of the question, and therefore it is not necessary to cite further authority to sustain this view.

My opinion is that these suits do not now constitute any legal impediment to prevent the Treasurer from paying out money from the Treasury on proper warrants from the Auditor.

I have the honor to be,

Very respectfully,

Your obedient servant,

T. L. HARGROVE,

*Attorney General.*

At 12½ p. m. the Senate resumed the consideration of Senate bill No. 24, a bill to be entitled an act in relation to the duties of the Public Treasurer, it being the special order for that hour. The question recurring on the passage of the bill on its second reading, Mr. Norwood moved the following amendment in the nature of a substitute:

“That, in the judgment of this General Assembly, there exists no injunction or restraining order in the proceedings of the court, in the cases of Alfred Self and others against



the Public Treasurer, which forbids him from paying all lawful orders presented to him as Treasurer for payment; and he is hereby required to pay the same, and this General Assembly will maintain him in discharging this duty."

Mr. Flemming moved the following amendment, in the nature of a substitute, for the amendment offered by Mr. Norwood :

"SEC. 1. That it shall be the duty of the Treasurer to pay out any money that may be in the Treasury, in accordance with section 64 of chapter 78 Battle's Revisal, without regard to any injunction, notice of injunction, order or command of any Judge or judicial officer, whether he be of State or Federal jurisdiction.

"SEC. 2. That if the Treasurer shall fail or refuse to comply with the provisions of this act, and the duties prescribed for the Treasurer in chapter 78 of Battle's Revisal, he shall be deemed guilty of high crimes and misdemeanors, and subject to impeachment.

"SEC. 3. This act shall be in force from and after its ratification."

Mr. Waring moved the previous question.

The yeas and nays were ordered, on demand of Mr. Waring, and the Senate refused to order the main question to be put. Yeas 14; nays 23.

*Affirmative*—Messrs. Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Horton, Love, Mabson, McCabe, McCauley, Miller, Morehead of Rockingham, Stafford, Todd and Waring—14.

*Negative*—Messrs. Dunham, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, McCotter, Merrimon, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Walker and Welch—23.

Mr. Harris moved that the bill be referred to the Joint Select Committee in relation to the suit of Self and others against the Treasurer.

Mr. Love moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Flemming, it did not prevail.

The question then recurring on the amendment offered by Mr. Norwood, the yeas and nays were ordered, on demand of Mr. Love, and the amendment did not prevail. Yeas 16; nays 19.

*Affirmative*—Messrs. Cunningham, Eppes, Flemming, Gudger, Harris, Hyman, King, Long, Love, McCauley, McCotter, Norwood, Price, Seymour, Walker and Welch—16.

*Negative*—Messrs. Cramer, Dunham, Ellis of Columbus, Hill, Holloman, Horton, Mabson, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Scott, Smith, Stafford, Todd and Waring—19.

The question next recurring on the passage of the bill on its second reading, the yeas and nays were ordered, on demand of Mr. Love, and the bill passed second time. Yeas 21; nays 14.

*Affirmative*—Messrs. Cunningham, Dunham, Ellis of Columbus, Horton, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd and Waring—21.

*Negative*—Messrs. Eppes, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Long, McCotter, Seymour, Smith, Walker and Welch—14.

On motion, the Senate adjourned until Monday at 12 m.



## SEVENTH DAY.

SENATE CHAMBER, November 24, 1873.

Journal of Saturday was read.

Indefinite leave of absence was granted to Mr. Merrimon on account of sickness in his family, and to Mr. Hyman to enable him to appear as a witness before the Federal Court.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, covering a report from the commissioners to investigate the affairs of the Western North Carolina Railroad Company.

On motion, the message and accompanying documents were ordered to be printed.

A message was received from His Excellency, the Governor, covering a report from the Board of Education.

On motion, the report was referred to the Committee on Education and ordered to be printed.

A message was received from the House of Representatives transmitting the following report of the joint select committee on the suit of Alfred Self and others against the Public Treasurer :

The Joint Select Committee, which was appointed in pursuance of the proposition of the Senate to determine what action shall be taken in behalf of the State of North Carolina in relation to the suit of Self and others against the Public Treasurer, report that they have had the matters with which they are charged under consideration, and they recommend that the General Assembly approve the action of the Executive in employing counsel to defend and contest the suit of Alfred Self *vs.* D. A. Jenkins, Treasurer.

For the present they have no further recommendation to make.

BENNETT,  
CUNNINGHAM,  
BROWN,  
FLEMMING,  
MOSS,  
KING,  
GUYTHER,

*Committee.*

On motion, the Senate concurred in the report.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Dunham: Senate bill No. 7—A bill to be entitled an act to provide for and cure certain irregularities in executions, with a recommendation that it do pass.

By Mr. Merrimon: Senate bill No. 9—A bill to be entitled an act to establish an additional term of the Superior Court of Guilford county, with accompanying amendment.

From Committee on Propositions and Grievances:

By Mr. Love: Senate bill No. 27—A bill to be entitled an act to prevent whipping in the State prison and jails, without recommendation, and with a request that the committee be discharged from the further consideration thereof.

On motion, the committee was discharged.

Senate bill No. 17—A bill to be entitled an act to cede to the United States a part of lot 99, in the city of Raleigh, with accompanying amendment.

Senate bill No. 11—A bill to be entitled an act fixing the weight of packages containing salted fish, with a recommendation that it do pass.

Senate resolution No. 16—Resolution requiring the Doorkeeper to have additional furniture procured for the Senate Chamber, with a recommendation that it do not pass.



From Committee on Internal Improvements:

By Mr. Morehead, of Rockingham: Senate bill No. 28—A bill to be entitled an act to establish a turnpike from the town of Statesville, in Iredell county, to the Virginia line, with a recommendation that it do not pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives: House bill No. 4—A bill to be entitled an act to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer. Placed on the Calendar.

House bill No. 16—A bill to be entitled an act in reference to the Public Printing. Placed on the Calendar.

House bill No. 2—A bill to be entitled an act for the relief of A. R. Black, Sheriff of New Hanover county. Placed on the Calendar.

House bill No. 38—A bill to be entitled an act to amend chapter 121, section 13, Battle's Revisal. To the Committee on Judiciary.

By Mr. Seymour: A bill to be entitled an act to amend chapter 37 of Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to incorporate Berne Lodge, No. 71, Independent Order of Odd Fellows. To the Committee on Corporations.

By Mr. Ellis, of Columbus: A bill to be entitled an act amend an act to prohibit the sale of intoxicating liquors in certain localities. To the Committee on Propositions and Grievances.

A bill to be entitled an act to repeal instructions to school officers published by Alexander McIver, Superintendent of Public Instruction. To the Committee on Education.

By Mr. Love: A bill to be entitled an act in relation bastardy. To the Committee on Judiciary. Ordered to be printed.

A bill to be entitled an act in relation to administrators and others. To the Committee on Judiciary.

A bill to be entitled an act in relation to books, &c. To the Committee on Judiciary.

A bill to be entitled an act to amend the charter of the Rabun Gap Short Line Railway. To the Committee on Internal Improvements.

A bill to be entitled an act concerning incorporated towns and villages. To the Committee on Corporations.

By Mr. Dunham: A bill to be entitled an act to amend chapter 171, Laws of 1872-'73. Placed on the Calendar.

By Mr. Hill: Resolution in favor of the sheriff of Bladen county. To the Committee on Propositions and Grievances.

By Mr. Humphrey: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein named. To the Committee on Internal Improvements. Ordered to be printed.

The following named resolution was introduced, read and disposed of, as follows:

By Mr. Humphrey: Resolution of request to our Senators and Representatives in Congress upon the subject of banking and currency. Referred to the Committee on Banks and Currency.

Bills and resolutions were acted on under a suspension of the rules, as follows:

House bill No. 2—A bill to be entitled an act for the relief of A. R. Black, sheriff of New Hanover county. Read and passed second time.

The bill was read third time.

Mr. Cowles moved to amend by inserting the words "and all other sheriffs." The amendment did not prevail.

Mr. Love moved to amend by striking out the word "February" and inserting the word "January." The amendment did not prevail, and the bill passed third time. Yeas 35; nays 3.

*Affirmative*—Messrs. Avera, Cramer, Cunningham, Dun-



ham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Horton, Humphrey, Hyman, Johnston, King, Long, Mabson, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring and Welch—35.

*Negative*—Messrs. Cowles, Love and McCauley—3.

House bill No. 4—A bill to be entitled an act to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer.

The bill was read second time.

Mr. Todd moved to amend by striking out the words "first day in January" and inserting in lieu thereof the words "first Monday of February."

The yeas and nays were ordered, on demand of Mr. Love, and the amendment prevailed. Yeas 21; nays 17.

*Affirmative*—Messrs. Avera, Cowles, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Hyman, King, Long, Mabson, McCauley, McCotter, Morehead of Rockingham, Murray, Nicholson, Price, Smith, Todd and Welch—21.

*Negative*—Messrs. Cramer, Cunningham, Dunham, Ellis of Catawba, Eppes, Grandy, Johnston, Love, Miller, Morehead of Guilford, Murphy, Norwood, Scott, Seymour, Stafford, Walker and Waring—17.

Mr. Norwood moved to amend by adding to section one the words "and further, the amount of taxes actually collected." The amendment prevailed.

Mr. Waring moved to amend by inserting, in lieu of section one, the following: "That sheriffs shall in no case be required to settle the taxes until after consultation with the county commissioners and as many of the people as convenient, and it is found agreeable and convenient to all parties to do so." The amendment did not prevail.

Mr. Waring moved that the further consideration of the bill be indefinitely postponed. The motion did not prevail.

Mr. Dunham moved to amend by adding to section one the



following: "*Provided*, That no sheriff, taking benefits under the provisions of this act, shall be entitled to mileage for settlement of the postponed taxes." The amendment prevailed.

Mr. Waring moved that the Senate do now adjourn until 12 M. to-morrow. The yeas and nays were ordered, on demand of Mr. Hyman, and the Senate refused to adjourn. Yeas 14; nays 22.

*Affirmative*—Messrs. Avera, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Love, Mabson, Price, Scott, Smith and Waring—14.

*Negative*—Messrs. Cowles, Cramer, Cunningham, Grandy, Harris, Holloman, Horton, Hyman, King, Long, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Seymour, Todd, Walker and Welch—22.

Mr. Cowles moved the previous question, and the Senate ordered the main question to be put. The question then recurring on its passage, the bill passed second time.

The bill was read the third time.

Mr. Love moved that the further consideration of the bill be postponed for two weeks. The motion did not prevail.

Mr. Gudger moved that the Senate do now adjourn until 11 A. M., to-morrow. The yeas and nays were ordered on demand of Mr. Seymour, and the Senate refused to adjourn. Yeas 15; nays 21.

*Affirmative*—Messrs. Avera, Cramer, Dunham, Ellis of Catawba, Eppes, Gudger, King, Long, Love, Miller, Murphy, Norwood, Scott, Walker and Waring—15.

*Negative*—Messrs. Cowles, Cunningham, Ellis of Columbia, Flemming, Grandy, Harris, Hill, Holloman, Horton, Hyman, Johnston, Mabson, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Price, Seymour, Todd and Welch—21.

Mr. Hyman moved the previous question, and the Senate



ordered the main question to be put. The question then recurring on its passage, the bill passed third time. Yeas 30; nays 8.

*Affirmative*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Hyman, Johnston, King, Mabson, McCauley, McCotter, Morehead of Guilford, Morehead of Randolph, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Stafford, Todd, Walker and Welch—30.

*Negative*—Messrs. Cramer, Dunham, Ellis of Catawba, Gudger, Love, Miller, Murphy and Waring—8.

On motion, the Senate adjourned until 12 M. to-morrow.

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## EIGHTH DAY.

SENATE CHAMBER, November 25, 1873.

Journal of yesterday was read.

Mr. Troy presented a petition from citizens of Harnett county in relation to the sale of spirituous liquors in certain localities, which was read and referred to Committee on Propositions and Grievances.

Mr. Powell presented a petition from citizens of Chatham county in relation to the sale of spirituous liquors in certain localities, which was read and referred to the Committee on Propositions and Grievances.

Leave of absence was granted Messrs. Eppes and Harris for to-day, to Mr. Murphy for three days, to Mr. McCotter until Friday next, and to the Assistant Clerk from the 17th November until to-morrow.

Mr. Waring, at his own request, was excused from further service as a member of the Committee on Printing.

Reports from standing committees were submitted as follows:

From the Committee on Agriculture, Mechanics and Mining :

By Mr. Norwood : Senate bill No. 21—A bill to be entitled an act to prevent fraud in the sale of commercial manures, with a recommendation that it do pass.

Mr. Norwood also submitted a report from the same committee in relation to the message from His Excellency, the Governor, covering a report from the State Geologist, recommending that the message and accompanying documents be transmitted to the House of Representatives, with a proposition to print the report of Professor Kerr, and to raise a joint select committee of two on the part of the Senate and three on the part of the House of Representatives, to whom the whole matter should be referred. The report was concurred in.

The following named amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Amendments to House bill No. 4, Senate bill No. 46—A bill to be entitled an act to extend the time for sheriffs and tax collectors to settle with the Auditor and Public Treasurer.

The following named resolution, reported as correctly enrolled by Committee on Enrolled Bills, was duly ratified and transmitted to the office of Secretary of State :

Resolution concerning the report of the Superintendent of Public Instruction.

The following named bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Love : A bill to be entitled an act in relation to entries of land. To the Committee on Judiciary.

By Mr. Troy : A bill to be entitled an act amendatory to an act to submit the proposed amendments to the Constitution to the people of the State for ratification or rejection. To the Committee on Judiciary.

By Mr. Flemming : A bill to be entitled an act to change



the number of Title marked "IV," of the Code of Civil Procedure, as numbered in Battle's Revisal. To the Committee on Judiciary.

By Mr. Avera: A bill to be entitled an act for the better protection of the poor. To the Committee on Propositions and Grievances.

By Mr. Cunningham: A bill to be entitled an act to authorize public schools in cities and towns of more than two thousand inhabitants. To the Committee on Education. Ordered to be printed.

By Mr. Allen: A bill to be entitled an act to repeal an act entitled an act in regard to the terms of the courts in the county of Craven. To the Committee on Judiciary.

By Mr. Walker: A bill to be entitled an act defining the jurisdiction of justices of the peace. To the Committee on Judiciary.

By message from the House of Representatives: House bill No. 14—A bill to be entitled an act to prevent the felling of timbers and other obstructions into the waters of Deep river and its tributaries, in the county of Randolph. To the Committee on Judiciary.

House bill No. 15—A bill to be entitled an act for the relief of N. C. Coor. To the Committee on Propositions and Grievances.

House resolution No. 5—Resolution in favor of the sheriff of Jackson county. To the Committee on Propositions and Grievances.

By Mr. McCauley: A bill to be entitled an act to extend the time for the registration of grants, deeds and other conveyances. To the Committee on Judiciary.

A message was received from the House of Representatives, informing the Senate that that body had adopted the report of the Joint Select Committee to prepare Joint Rules of Order.

On motion, it was ordered that the Senate and Joint Rules of Order be printed for the use of the Senate.



The following named resolution was introduced, read and disposed of, as follows :

By message from the House of Representatives: House resolution No. 30—Resolution providing for the appointment of a joint select committee to report what effect the adoption of the proposed amendment to the Constitution of the State, in regard to the sessions of the General Assembly, will have on the present session. Concurred in.

Bills were acted on under a suspension of the rules, as follows:

Senate bill No. 35—A bill to be entitled an act to amend chapter 171, Laws of 1872-'73. Read and passed second and third times. Yeas 19; nays 13.

*Affirmative*—Messrs. Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, King, Long, Miller, Morehead of Guilford, Murray, Price, Scott, Seymour, Stafford, Troy, Walker and Waring—19.

*Negative*—Messrs. Avera, Cramer, Holloman, Johnston, Love, McCotter, Murphy, Norwood, Powell, Smith, Todd and Welch—13.

Senate bill No. 7—A bill to be entitled an act to provide for and cure certain irregularities in executions. Read and passed second and third times. Yeas 35; nays 2.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Hill, Holloman, Horton, Johnston, King, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Troy, Walker, Waring and Welch—35.

*Negative*—Messrs. Seymour and Todd—2.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate bill No. 9—A bill to be entitled an act to establish an additional term of the Superior Court of Guilford county.

The bill was read second time. The amendment offered



by the Committee on Judiciary prevailed, and the bill passed second time.

The bill was then read and passed third time. Yeas 34; nays none.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Johnston, King, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring and Welch—34.

*Negative*—None.

Senate bill No. 44, House bill No. 16—A bill to be entitled an act in reference to the public printing. Read and passed second and third times. Yeas 35; nays none.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, King, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring and Welch—35.

*Negative*—None.

Mr. Waring moved to reconsider the vote just had, and to lay that motion on the table.

The motion to lay on the table prevailed.

Senate bill No. 21—A bill to be entitled an act to prevent fraud in the sale of commercial manures. Made Special Order for 12 m. of Thursday, 4th December, 1873.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## NINTH DAY.

SENATE CHAMBER, November 26, 1873.

Journal of yesterday was read.

Leave of absence was granted to Messrs. Cunningham and Seymour for Friday and Saturday next, and to Mr. Cowles from the 17th to the 24th of November inclusive.

The Chair announced Messrs. Humphrey, Merrimon, Cunningham, Flemming, King, Walker and Harris as the Senate Standing Committee on Banks and Currency.

A message was sent to the House of Representatives, informing that body that Mr. Waring had, at his own request, been excused from further service as a member of the Committee on Printing, and that Mr. King had been appointed to fill the vacancy caused thereby.

Reports from standing committees were submitted as follows :

From Committee on Judiciary :

By Mr. Allen : Senate bill No. 5—A bill to be entitled an act in relation to the special term of Wayne Superior Court to be held on the first Monday in January, 1874, with accompanying amendments.

Senate bill No. 43, House bill No. 38—A bill to be entitled an act to amend chapter 121, section 13, Battle's Revisal, with a recommendation that it do pass.

By Mr. Scott : Senate bill No. 26—A bill to be entitled an act to amend an act entitled an act supplemental to an act to lay off and establish the new county of Pamlico, with a recommendation that it do pass.

From Committee on Internal Improvements :

By Mr. Morehead, of Rockingham : Senate bill No. 31—A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes named therein, with accompanying amendments.

The following named bills and resolutions were intro-



duced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. McCauley : A bill to be entitled an act to amend title II, chapter 17, Code of Civil Procedure, Battle's Revisal. To the Committee on Judiciary.

By Mr. Flemming : Resolution in favor of J. H. Enniss. To the Committee on Claims.

By Mr. Troy : A bill to be entitled an act to aid planters, manufacturers and others in the prosecution of their respective callings and business. To the Committee on Judiciary.

A bill to be entitled an act for the government of justices' courts. To the Committee on Judiciary.

By message from the House of Representatives : House bill No. 6—A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Laurinburgh Presbyterian Church, at Laurinburgh, in Richmond county. To the Committee on Propositions and Grievances.

House bill No. 8—A bill to be entitled an act for the relief of the sureties of J. S. Hyde, late sheriff of Graham county. To the Committee on Judiciary.

House bill No. 12—A bill to be entitled an act to repeal chapter 68, Laws of 1871-'72. To the Committee on Judiciary.

House bill No. 13—A bill to be entitled an act to prevent the felling of trees in Richland creek, in the county of Guilford, and for other purposes. To the Committee on Propositions and Grievances.

House bill No. 17—A bill to be entitled an act authorizing and empowering the commissioners of the city of Raleigh to appoint an inspector of wood and coal. To the Committee on Propositions and Grievances.

House bill No. 18—A bill to be entitled an act for the relief of citizens of Graham county. To the Committee on Propositions and Grievances.

By Mr. Scott : A bill to be entitled an act to incorporate



the Oriental Fish and Oyster Company. To the Committee on Corporations.

By Mr. Ellis, of Catawba: A bill to be entitled an act in relation to contracts. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Love: Resolution on adjournment. Laid over under the rules.

By Mr. Hyman: Resolution concerning the adjournment of the General Assembly on Thanksgiving Day.

On motion of Mr. Hyman, the rules were suspended and the resolution was adopted.

A message was sent to the House of Representatives transmitting a message from His Excellency, the Governor, covering a report from the State Geologist, with a proposition to print Professor Kerr's report, and also proposing to raise a joint select committee of two on the part of the Senate and three on the part of the House of Representatives, to which the said documents should be referred.

A message was received from the House of Representatives covering the following resolution:

*Resolved by the House of Representatives, the Senate concurring, That the General Assembly will observe Thanksgiving Day by adjourning, when it does adjourn, to meet on Friday the 28th instant.*

The resolution was concurred in.

Mr. Dunham moved that the vote by which the Senate adopted the resolution introduced by Mr. Hyman be reconsidered.

The motion prevailed, and thereupon Mr. Durham moved that the resolution lie on the table, which motion also prevailed.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the



proposition to raise a joint select committee to consider the effect of the adoption of the proposed amendment to the Constitution in relation to sessions of the General Assembly on the present session, and designating Messrs. Allen, Morehead, of Guilford, and Seymour as the Senate branch of said committee.

The following named bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act for the relief of A. R. Black, sheriff of New Hanover county.

An act in reference to the public printing.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Senate Bill No. 9—A bill to be entitled an act to establish an additional term of the Superior Court of Guilford county.

Senate bill No. 7—A bill to be entitled an act to provide for and cure certain irregularities in executions.

Senate bill No. 35—A bill to be entitled an act to amend chapter 171, Laws of 1872-'73.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition to observe Thanksgiving Day.

Bills were acted on under a suspension of the rules, as follows :

Senate bill No. 31—A bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes specified therein. Made special order for 12 m. Tuesday, 2d December, 1873.

Senate bill No. 26—A bill to be entitled an act to amend an act supplemental to an act to lay off and establish the new county of Pamlico. Read and passed second and third times. Yeas 36 ; nays none.

*Affirmative*—Messrs. Allen, Avera, Cowles, Cramer, Cun-



ningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, Mabson, McCauley, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Welch—36.

*Negative*—None.

Senate bill No. 17—A bill to be entitled an act to cede to the United States a part of lot 99, in the city of Raleigh. The bill was read the second time.

The amendment proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time. Yeas 38; nays none.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Horton, Hyman, Johnston, King, Long, Love, Mabson, McCauley, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Welch—38.

*Negative*—None.

On motion, the Senate adjourned until 11 A. M. on Friday.

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## TENTH DAY.

SENATE CHAMBER, November 28, 1873.

Journal of Wednesday was read.

Leave of absence was granted to Mr. Troy until Monday, to Mr. Hill for three days, to Mr. Holloman for two days, and to Mr. Long indefinitely, on account of sickness in his family.

A message was received from the House of Representatives informing the Senate that that body had concurred in



the proposition to raise a joint select committee of two on the part of the Senate and three on the part of the House, to which to refer Professor Kerr's report, and designating Messrs. Stowe, Craige and Wheeler as the House branch thereof. The Chair designated Messrs. Norwood and Grandy as the Senate branch of said committee.

Reports from standing committees were submitted as follows:

From Committee on Propositions and Grievances:

By Mr. Love: Senate bill No. 61—Petition of citizens of Chatham county in relation to the sale of spirituous liquors in certain localities, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate bill No. 76—Petition from citizens of Columbus county praying the repeal of an act prohibiting the sale of liquor within two miles of Peacock's store, in Columbus, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate bill No. 60—Petition of citizens of Harnett county in relation to the sale of spirituous liquors in certain localities, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

Senate resolution No. 34—Resolution in favor of sheriff of Bladen county, with accompanying amendment.

A message was received from the House of Representatives proposing to raise a joint select committee, to whom a bill to be entitled an act to organize, equip and discipline the militia of the State shall be referred. On motion, the Senate concurred in the proposition.

On motion of Mr. Love, it was ordered that ten copies of the Governor's message in relation to the affairs of the Western North Carolina Railroad, with the accompanying documents, be printed for each Senator.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Norwood: A bill to be entitled an act for the enforcement of degrees in suits in equity in certain cases. To the Committee on Judiciary.

By Mr. Love: A bill to be entitled an act to re-enact chapter 107, Laws of 1872-'73. Placed on the Calendar.

By Mr. Mabson: A bill to be entitled an act to establish a special criminal court for the city of Wilmington. To the Committee on Judiciary.

By Mr. Ellis, of Catawba: A bill to be entitled an act to incorporate the town of Hickory, in the county of Catawba. To the Committee on Corporations.

Mr. Morehead, of Rockingham, moved that when the Senate adjourns, it will adjourn to meet at 10 A. M. to-morrow. The motion prevailed.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Murray: Resolution to add T. A. Nicholson to the Committee on Printing. Adopted and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence, under a suspension of the rules.

By Mr. King: Resolution concerning the Federal tax on cotton in the years 1865-'66-'67-'68. Laid over under the rules.

By Mr. Waring: Resolution concerning the Mecklenburg Declaration of Independence.

The resolution was read, and the rules being suspended, Mr. Norwood moved that a joint select committee be raised, to which the resolution should be referred.

Mr. Avera moved that the resolution lie upon the table.

The yeas and nays were ordered, on demand of Mr. Welch, and the motion to lay upon the table did not prevail. Yeas 4; nays 23.



*Affirmative*—Messrs. King, Mabson, Walker and Johnston—4.

*Negative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Horton, Love, McCauley, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Todd and Waring—23.

The question then recurring on the motion offered by Mr. Norwood, it prevailed.

A message was received from His Excellency in relation to the celebration of the one hundredth anniversary of American independence.

On motion of Mr. Waring, it was ordered that the message and accompanying documents be transmitted to the House of Representatives with a proposition to print the same.

On motion of Mr. Morehead, of Guilford, it was ordered that the following note be appended to the proceedings of the Senate sitting in executive session:

“NOTE.—The communication above referred to from the presiding officer of the Senate to His Excellency, the Governor, was sent by one of the pages of the Senate, after dusk on Saturday evening, the 1st of March, 1873. The page brought the note back, with the verbal reply that Governor Caldwell refused to receive it because it was sent after office hours.”

“This note is appended by order of the Senate, made on 28th November, 1873.”

The following named resolution, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

Senate resolution No. 75—Resolution to add T. A. Nicholson to the Committee on Printing.

Mr. Morehead, of Guilford, moved to reconsider the vote by which the Senate adopted the motion of Mr. Morehead, of Rockingham, that when the Senate adjourns it will adjourn to meet at 10 A. M. to-morrow. The motion prevailed,



and the question recurring on the motion of Mr. Morehead, of Rockingham, it did not prevail.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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ELEVENTH DAY.

SENATE CHAMBER, November 29, 1873.

Journal of yesterday was read.

Leave of absence was granted to Mr. Dunham for the 28th and 29th instant, to Mr. Horton from the 17th to the 29th instant, and to the Engrossing Clerk for the 28th and 29th instant.

A message was sent to the House of Representatives designating Messrs. Norwood and Grandy as the Senate branch of the Joint Select Committee on Professor Kerr's Report.

Reports from standing committees were submitted as follows:

From the Committee on Judiciary:

By Mr. Allen: Senate bill No. 5—A bill to be entitled an act amendatory of an act to submit the proposed amendments of the Constitution to the people of the State for ratification or rejection, with a recommendation that it do pass.

By Mr. Flemming: Senate bill No. 29—A bill to amend chapter 52, section 10, Battle's Revisal, with accompanying amendment.

By Mr. Grandy: Senate bill No. 39—A bill to be entitled an act in relation to administrators and others, with a recommendation that it do not pass.

Senate bill No. 38—A bill to be entitled an act in relation to books, &c., with a recommendation that it do not pass.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, covering reports from the President and Directors of



the Albemarle and Chesapeake Canal Company, with a proposition to print said reports. The yeas and nays were ordered, on demand of Mr. Welch, and the Senate concurred in the proposition to print. Yeas 25; nays 2.

*Affirmative*—Messrs. Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Horton, Humphrey, Johnston, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Smith, Stafford, Todd, Walker, Waring and Welch—25.

*Negative*—Messrs. Avera and Allen—2.

A message was received from the House of Representatives informing the Senate that Messrs. Bennett, McGehee, Bowman, Norment and Dula constitute the House branch of the Joint Select Committee to consider what effect the adoption of the proposed amendment to the Constitution in relation to the sessions of the General Assembly would have on this session.

A message was received from the House of Representatives informing the Senate that that body had refused to concur in the amendment adopted by the Senate to Senate bill No. 46.

House bill No. No. 4—A bill to be entitled an act to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer, which proposed to strike out the words “first Monday in January” and insert in lieu thereof the words “first day of February,” and had concurred in the other amendments adopted by the Senate to said bill.

On motion of Mr. Welch, the Senate receded from the said amendment, and the bill was ordered to be enrolled for ratification.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, covering a communication from Peter C. Haines in



reference to the cession of certain lands to the United States for light-house purposes.

The following named bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Flemming: A bill to be entitled an act for the support and better government of the Oxford Orphan Asylum. Referred to a Select Committee of three Senators.

By Mr. Humphrey: A bill to be entitled an act to amend chapter 60, section 16, Laws of 1869-'70. To the Committee on Internal Improvements.

By Mr. Murray: A bill to be entitled an act empowering justices of the peace to take cognizance of certain petty misdemeanors. To the Committee on Judiciary.

By message from the House of Representatives: House bill No. 7—A bill to be entitled an act to amend an act entitled an act to incorporate the Wilmington Seaside Railroad Company. To the Committee on Internal Improvements.

House resolution No. 14—Resolution in favor of Jas. H. Enniss, Agent. To the Committee on Claims.

House resolution No. 16—Resolution in favor of W. H. Morriss & Co. To the Committee on Claims.

House resolution No. 31—Resolution in favor of Jas. H. Enniss. To the Committee on Claims.

House bill No. 24—A bill to be entitled an act to incorporate Rennos' Camp Ground and Locust Old Field Baptist Church. Placed on the Calendar.

House bill No. 34—A bill to be entitled an act to amend chapter 77, Laws of 1871-'72. To the Committee on Judiciary.

House bill No. 32—A bill to be entitled an act concerning Sharon Camp Ground, in Cleaveland county, and to incorporate a board of trustees therefor. To the Committee on Propositions and Grievances.

House bill No. 42—A bill to be entitled an act to amend



an act to incorporate the Trustees of Davidson College. To the Committee on Education.

House bill No. 91—A bill to be entitled an act giving the consent of the General Assembly of the State of North Carolina to the purchase by the United States of a tract of land in Currituck county for erecting thereon a light-house and the buildings connected therewith. Placed on the Calendar.

By Mr. Morehead, of Rockingham: A bill to be entitled an act to constitute conductors and agents of railroads conservators of the peace. To the Committee on the Judiciary.

By message from the House of Representatives: House bill No. 5—A bill to be entitled an act to amend the charter of the Carolina Central Railway Company. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Waring: Resolution concerning adjournment. Laid over under the rules.

By message from the House of Representatives: House resolution No. 18—Resolution in regard to the public printing. Indefinitely postponed.

House resolution No. 4—Resolution of instruction to our Senators and Representatives in Congress. Concurred in.

A message was sent to the House of Representatives transmitting a report from His Excellency, the Governor, concerning the celebration of the centennial anniversary of American independence, and the accompanying documents, with a proposition to print the same.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill No. —, House bill No. 5—A bill to be entitled an act to amend the charter of the Carolina Central Railway Company. Read and passed second and third times. Yeas 27; nays none.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer,



Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Johnston, King, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Smith, Stafford, Todd, Walker, Waring and Welch—27.

*Negative*—nays.

Mr. Ellis, of Columbus, moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

Senate bill No. —, House bill No. 91—A bill to be entitled an act giving the consent of the General Assembly of the State to the purchase by the United States of a tract of land in Currituck county for erecting thereon a light-house and the buildings connected therewith. Read and passed second and third times. Yeas 31; nays nine.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Horton, Humphrey, Johnston, King, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Smith, Stafford, Todd, Walker, Waring and Welch—31.

*Negative*—None.

Senate resolution No. 15—Resolution concerning affairs in Cuba. Read and referred to the Committee on Judiciary.

House bill No. 27—A bill to be entitled an act to incorporate Renno's Camp Ground and Locust Old Field Baptist Church. Read and passed second and third times. Yeas 27; nays none.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, King, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Walker, Waring and Welch—27.

*Negative*—None.



The following named bills, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill No. 26—A bill to be entitled an act to amend an act entitled an act supplemental to an act to lay off and establish the new county of Pamlico.

Senate bill No. 17—A bill to be entitled an act to cede to the United States a part of lot 99, in the city of Raleigh.

The Chair designated Messrs. Love, Avera and Price as the Select Committee to consider and report upon the bill in reference to the "Oxford Orphan Asylum."

On motion, the Senate adjourned until Monday morning at 11 o'clock.

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## TWELFTH DAY.

SENATE CHAMBER, December 1, 1873.

Journal of Saturday was read.

Leave of absence was granted to Mr. Miller indefinitely on account of sickness, and to Mr. King for one week.

Mr. Troy presented a petition from citizens of Harnett and Sampson counties praying a modification of existing laws on the subject of retailing spirituous liquors, which was referred to the Committee on Propositions and Grievances.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition to raise a joint select committee on the Militia Bill, and designating Messrs. Morehead, of Guilford, Johnston and Cowles as the Senate branch of said committee.

Reports from standing committees were submitted as follows:

From Committee on Corporations:

By Mr. Welch: Senate bill No. 79—A bill to be entitled

an act to incorporate the town of Hickory, in the county of Catawba, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Love: Senate resolution No. 50, House resolution No. 5—Resolution in favor of the sheriff of Jackson county, with a recommendation that it do not pass. On motion, the resolution was laid on the table.

From Committee on Internal Improvements:

By Mr. Morehead, of Rockingham: Senate Bill No. 93—A bill to be entitled an act to amend chapter 60, section 16, Laws of 1869-'70, with a recommendation that it do pass.

Senate bill No. 86, House bill No. 7—A bill to be entitled an act to amend an act entitled an act to incorporate the Wilmington Seaside Railroad Company, with a recommendation that it do pass.

From Committee on Judiciary:

By Mr. Flemming: Senate bill No. 81—A bill to be entitled an act for the enforcement of decrees in suits in equity in certain cases, with a recommendation that it do not pass.

Senate bill No. 52, House bill No. 14—A bill to be entitled an act to prevent the felling of timber and other obstructions into the waters of Deep River and its tributaries, in the county of Randolph, with a recommendation that it be referred to the Committee on Propositions and Grievances. The recommendation was concurred in.

By Mr. Allen: Senate bill No. 54—A bill to be entitled an act to repeal an act entitled law act in regard to the terms of the courts in the county of Craven, with a recommendation that it do pass.

Senate bill No. 57—A bill to be entitled an act to change the number of the title marked IV, of the Code of Civil Procedure, as numbered in Battle's Revisal, with a recommendation that it do pass.

By Mr. Price: Senate bill No. 49—A bill to be entitled an act to extend the time for the registration of grants, deeds



and other conveyances, with a recommendation that it do not pass.

By Mr. Grandy: Senate bill No. 67, House bill No. 8—A bill to be entitled an act for the relief of the sureties of J. S. Hyde, late sheriff of Graham county, with a recommendation that it be referred to the Committee on Propositions and Grievances. The recommendation was concurred in.

Senate bill No. 73—A bill to be entitled an act in relation to contracts, with a recommendation that it do not pass.

Senate bill No. 65—A bill to be entitled an act for the government of justices' courts, with a recommendation that it do not pass.

By Mr. Todd: Senate bill No. 64—A bill to be entitled an act to aid planters, manufacturers and others, in the prosecution of their respective callings and business, with a recommendation that it do not pass.

Senate bill No. 62—A bill to be entitled an act to amend title II, chapter 17, Code of Civil Procedure, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Morehead, of Guilford: Senate bill No. 13—A bill to be entitled an act to amend chapter 117 of Battle's Revisal, entitled Widows, with a recommendation that it do not pass.

A message was received from the House of Representatives designating Messrs. Gorman, Bennett, Bryson, of Swain, Dula and Warlick, as the House branch of the Joint Select Committee on the Militia Bill.

A message was received from the House of Representatives transmitting the following report from the Joint Select Committee to consider the effect of the adoption of the proposed amendment to the Constitution in relation to sessions of the General Assembly on the present session:

“The Joint Select Committee charged to inquire and report what effect the adoption of the proposed amendment to the Constitution of this State in reference to the meetings



of the General Assembly will have on the present session, submit the following :

After careful consideration, your Committee are of opinion that the amendment when ratified will operate prospectively only, and will not in any manner affect this session. In this conclusion your committee have the concurrence and support of the Attorney General.

BENNETT,  
ALLEN,  
McGEHEE,  
MOREHEAD,  
DULA,  
NORMENT,

*Committee.*

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Grandy : A bill to be entitled an act to alter the Constitution of North Carolina. To the Committee on Judiciary.

By Mr. Allen : A bill to be entitled an act to amend section 16, chapter 1, title 4, Code of Civil Procedure, Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to amend chapter 64, entitled "Landlord and Tenant," of Battle's Revisal. To the Committee on Judiciary.

By Mr. Norwood : A bill to be entitled an act concerning the prosecution of suits. To the Committee on Judiciary.

By Mr. Humphrey : A bill to be entitled an act to establish branch asylums for the insane in the State of North Carolina. To the Committee on Insane Asylum.

By Mr. Cowles : A bill to be entitled an act relative to the fees of justices of the peace. To the Committee on Judiciary.

By Mr. Troy : A bill to be entitled an act to give to the



county of Cumberland three terms of the Superior Court each year, and to regulate the time for holding the same. To the Committee on Judiciary.

A bill to be entitled an act to incorporate the Cross Creek Cemetary Company. To the Committee on Corporations.

By Mr. Ellis, of Catawba: A bill to be entitled an act to authorize the Board of Trustees for Hickory Tavern township to establish public highways, and for other purposes. To the Committee on Judiciary.

A bill to be entitled an act to amend chapter 38, Battle's Revisal. To the Committee on Judiciary.

By Mr. Mabson: A bill to be entitled an act relating to the city of Wilmington. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cramer: Resolution requiring the public printing to be let out to the lowest bidder. Laid over under the rules.

By Mr. Grandy: Resolution authorizing and requesting R. B. Creecy to continue the history of North Carolina from the period reached by Dr. Hawks to such time within recent memory as may be deemed advisable. Laid over under the rules.

Bills and resolutions were acted on under a suspension of the rules, as follows:

Senate bill No. 100—A bill to be entitled an act relating to the city of Wilmington. Read and passed second and third times. Yeas 32; nays none.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Horton, Hyman, Johnston, King, Love, Mabson, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Ransom, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Negative*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate resolution No. 34—Resolution in favor of the sheriff of Bladen county. The resolution was read second time, the amendment offered by the Committee on Propositions and Grievances prevailed and the resolution passed second time. The resolution was then read and passed third time. Yeas 32; nays none.

*Affirmative*—Messrs. Avera, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Hyman, Johnston, King, Love, Mabson, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Negative*—None.

The resolution was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Senate resolution No. 18—A resolution in favor of Hon. J. L. Henry. Read and passed second and third times. Yeas 17; nays 15.

*Affirmative*—Messrs. Allen, Cramer, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hyman, King, Mabson, McCotter, Morehead of Guilford, Norwood, Ransom, Troy, Walker and Welch—17.

*Negative*—Messrs. Avera, Cowles, Davis, Horton, Johnston, McCauley, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Stafford, Waring and Welch—15.

Senate resolution No. 25—A resolution in reference to the public printing. The resolution was read.

Mr. Allen moved that the further consideration of the resolution be indefinitely postponed.

The yeas and nays were ordered, on demand of Mr. Grandy, and the motion prevailed. Yeas 18; nays 12.

*Affirmative*—Messrs. Allen, Avera, Barnhardt, Cowles, Davis, Ellis of Columbus, Love, McCauley, Morehead of



Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Stafford, Troy and Worth—18.

*Negative*—Messrs. Cramer, Flemming, Grandy, Gudger, Harris, Hyman, Johnston, King, McCotter, Ransom, Smith and Walker—12.

Senate resolution No. 14—A resolution on adjournment. The resolution was read.

Mr. Love moved to amend by striking out the preamble. The amendment prevailed.

Mr. Morehead, of Guilford, moved to amend by striking out the word "24th" and inserting the word "22d" in its stead. The amendment prevailed.

Mr. Waring moved that the Senate do now adjourn until 11 A. M. to-morrow.

The yeas and nays were ordered, on demand of Mr. Love, and the motion did not prevail. Yeas 13; nays 22.

*Affirmative*—Messrs. Allen, Avera, Davis, Flemming, Grandy, Gudger, Horton, Hyman, Johnston, McCauley, McCotter, Smith and Waring—13.

*Negative*—Messrs. Barnhardt, Cowles, Cramer, Ellis of Catawba, Ellis of Columbus, Harris, King, Love, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Stafford, Todd, Troy, Walker, Welch and Worth—22.

Mr. Morehead, of Rockingham, moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the adoption of the resolution, the yeas and nays were ordered, on demand of Mr. Love, and the resolution was adopted. Yeas 28; nays 6.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Horton, Hyman, King, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Powell, Ransom, Stafford, Todd, Troy, Walker and Worth—28.



*Negative*—Messrs. Allen, Gudger, Harris, Johnston, Waring and Welch—6.

Senate bill No. 12—A bill to be entitled an act to provide for the completion of the Western Railroad. Made special order for 12 m. to-morrow.

A message was sent to the House of Representatives informing that body that the Senate had receded from the amendment to Senate bill No. 46, House bill No. 4—A bill to be entitled an act to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer, in which the House refused to concur, and had ordered the bill to be enrolled for ratification.

The following named bills, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State:

An act to amend chapter 191, Laws of 1872-'73.

An act to amend the charter of the Carolina Central Railroad Company.

An act to extend the time allowed sheriffs and tax collectors to settle with the Auditor and Public Treasurer.

The following named bill and resolution, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Senate bill No. 100—A bill to be entitled an act relating to the city of Wilmington.

Senate resolution No. 34—Resolution in favor of the sheriff of Bladen county.

On motion, the Senate adjourned until 11 A. M. to-morrow.



## THIRTEENTH DAY.

SENATE CHAMBER, December 2, 1873.

Journal of yesterday was read.

Leave of absence was granted to Mr. Cunningham indefinitely on account of sickness in his family, to Mr. Dunham indefinitely on account of sickness, and to Mr. Mabson for two days.

Mr. Ellis, of Columbus, presented a petition from citizens of Bladen county on the subject of the prohibitory liquor law, which was referred to the Committee on Propositions and Grievances.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State.

An act to incorporate Renno's Camp Ground of the M. E. Church South, and Locust Old Field Baptist Church, in the county of Haywood.

An act giving the consent of the General Assembly of North Carolina to the purchase by the United States of a tract of land in Currituck county for erecting thereon a light-house and the buildings connected therewith.

Resolution of instruction to our Senators and Representatives in Congress.

Reports from standing committees were submitted, as follows:

From Committee on Internal Improvements:

By Mr. Morehead, of Rockingham: Senate bill No. 37—A bill to be entitled an act to amend the charter of the Rabburn Gap Short Line Railway, with an amendment in the nature of a substitute.

From Committee on Corporations:

By Mr. Welch: Senate bill No. 36—A bill to be entitled an

act concerning incorporated towns and villages, with a recommendation that it do pass.

Senate bill No. 41—A bill to be entitled an act to incorporate Newbern Lodge, No. 71, Independent Order of Odd Fellows, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Love: Senate bill No. 90, House bill No. 32—A bill to be entitled an act concerning Sharon Camp Ground, in Cleaveland county, and to incorporate a board of trustees therefor, with a request that the committee be discharged from the further consideration thereof. On motion the committee was discharged and the bill was referred to the Committee on Claims.

Senate bill No. 71, House bill No. 18. A bill to be entitled an act for the relief of citizens of Graham county, with a recommendation that it do pass.

Senate bill No. 68, House bill No. 13.—A bill to be entitled an act to prevent the felling of trees in Richland creek, in the county of Guilford, and for other purposes, with a recommendation that it do not pass.

A message was received from the House of Representatives transmitting a message from His Excellency, the Governor, and accompanying documents in relation to arming the militia of the United States, with a proposition to print the same. On motion, the message and accompanying documents were referred to the Committee on Military Affairs.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By Mr. Cramer: A bill to be entitled an act to defray certain clerical expenses in the office of the Secretary of State. To the Committee on Propositions and Grievances.

By Mr. Ransom: A bill to be entitled an act to prevent the cutting and felling of timber and other obstructions in Second and Rider's creeks, in the county of Tyrrell. To Committee on Propositions and Grievances.



By Mr. Ellis, of Catawba: A bill to be entitled an act to authorize the appointment of commissioners to provide ways and means to aid the Carolina Central Railway Company, or any other company, in extending a railroad from or near Lincolnton, North Carolina, to Hickory, in Catawba county. To the Committee on Corporations.

A bill to be entitled an act to amend chapter 130, Private Laws of 1848-'49, and for other purposes. To the Committee on Corporations.

By Mr. Flemming: A bill to be entitled an act to incorporate the Yadkin, New and Watauga Timber and Lumber Raft Company. To the Committee on Corporations.

A bill to be entitled an act to provide for the adjustment, liquidation and settlement of the public debt of North Carolina. To the Joint Select Committee on State Debt.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives: House resolution No. 43—A resolution proposing to add two additional members of the House to the Committee on Public Printing. The resolution was read.

Mr. Love moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the adoption of the resolution, the yeas and nays were ordered, on demand of Mr. Welch, and the resolution was adopted. Yeas 23; nays 16.

*Affirmative*—Messrs. Avera, Cramer, Davis, Ellis of Catawba, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, Johnston, Mabson, McCabe, McCotter, Miller, Smith, Todd, Troy, Walker and Waring—23.

*Negative*—Messrs. Allen, Cowles, Ellis of Columbus, Love, McCauley, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Stafford, Welch and Worth—16.

At 12 m. the Senate proceeded to consider the special



order for that hour, to-wit: Senate bill No. 12—A bill to be entitled an act to insure the completion of the Western Railroad. The bill was read second time.

Mr. Morehead, of Guilford, moved to amend by filling the blanks in lines 6 and 7 of section 1 of the bill with the words "one hundred thousand." The amendment prevailed.

Mr. Troy moved to amend by striking out the word "six" in line 9, section 1, and inserting the word "twelve" in its stead. The amendment prevailed, and the bill passed second time.

On motion, the bill was then referred to the Committee on Internal Improvements, and ordered to be printed.

The Senate then proceeded to consider Senate bill No. 31—A bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes therein mentioned, it being the special order for 12½ o'clock this day. The bill was read second time.

The amendments proposed by the Committee on Internal Improvements prevailed.

Mr. Waring moved to amend by adding the following to section 3: "But before the said bonds are executed, the President of the said railroad company, or the officer appointed by the board of directors to hold, issue and negotiate the same, shall give bond in the sum of five hundred thousand dollars, with sureties satisfactory to the board and approved by the Governor, conditioned that the President or officer so appointed will well and faithfully discharge the duties imposed upon him, and faithfully account for and true return make of all bonds, moneys or other property which may come into his custody."

Mr. Norwood moved to amend the amendment by striking out the word "five" and inserting the word "two" in its stead. The yeas and nays were ordered, on demand of Mr. Harris, and the amendment to the amendment did not prevail. Yeas 14; nays 24.



*Affirmative*—Messrs. Allen, Cowles, Humphrey, Hyman, Love, Mabson, McCabe, Morehead of Rockingham, Murphy, Murray, Norwood, Todd, Welch and Worth—14.

*Negative*—Messrs. Avera, Barnhardt, Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Horton, McCauley, McCotter, Miller, Morehead of Guilford, Nicholson, Powell, Price, Stafford, Troy, Walker and Waring—24.

The question then recurring on the amendment offered by Mr. Waring, the yeas and nays were ordered, and the amendment prevailed. Yeas 27; nays 11.

*Affirmative*—Messrs. Avera, Barnhardt, Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Holloman, Horton, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Walker and Waring—29.

*Negative*—Messrs. Allen, Cramer, Flemming, Humphrey, Hyman, Love, Mabson, McCabe, Murphy, Welch and Worth—11.

Mr. Humphrey moved to amend by striking out sections six, seven and twelve, which prevailed, and also to amend by inserting the word "and" after the words "Paint Rock," in line 8, section 1, which also prevailed.

Mr. Morehead, of Rockingham, moved to amend by adding the following to section 8: "*Provided*, That the price of said stock shall be named at a meeting of private stockholders, and if purchases are made of any of the stockholders, all other stockholders who desire so to do, shall have the right to demand of said North Carolina Railroad Company the price named as above provided."

Pending the consideration of the amendment, on motion, the Senate adjourned until 11 A. M. to-morrow.

## FOURTEENTH DAY:

SENATE CHAMBER, December 3, 1873.

Journal of yesterday was read.

A message was sent to the House of Representatives designating Messrs. Welch, Norwood and Ransom as the Senate branch of the Joint Standing Committee on Insurance, and Messrs. Humphrey, Troy and Harris as the Senate branch of the Joint Standing Committee on Banks and Currency.

The following named bill and resolution, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act relating to the city of Wilmington, and a resolution in favor of the sheriff of Bladen county.

Reports from standing committees were submitted as follows:

From Committee on Judiciary:

By Mr. Flemming: House bill No. 34—A bill to be entitled an act to amend chapter 77, Laws of 1871-'72, with a recommendation that it do pass.

By Mr. Price: Senate bill No. 59—A bill to be entitled an act in relation to entries of land, with a recommendation that it do not pass.

Senate bill No. 32—A bill entitled an act in relation to bastardy, with a recommendation that it do not pass.

By Mr. Todd: Senate bill No. 53—A bill to be entitled an act defining the jurisdiction of justices of the peace, with a recommendation that it do not pass.

Senate bill No. 108—A bill to be entitled an act concerning the prosecution of suits, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham: Senate bill No. 72—A bill to be entitled an act to incorporate the Oriental Fish



and Oyster Company, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

The following named bills and resolutions were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By message from the House of Representatives: House bill No. 33—A bill to be entitled an act to require the Treasurer of Cherokee county to turn over to the Treasurer of Graham county certain bonds, and for other purposes. To the Committee on Judiciary.

House bill No. 54—A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the town of Charleston, in the county of Swain. To the Committee on Propositions and Grievances.

House bill No. 48—A bill to be entitled an act to prevent the adulteration and the sale of adulterated alcoholic liquors. To the Committee on Judiciary.

House bill No. 22—A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the town of Burnsville, Yancey county. To the Committee on Propositions and Grievances.

House resolution No. 17—Resolution in favor of D. D. Ferebee, Jr. To Committee on Claims.

House resolution No. 26—Resolution in favor of Birch McHan. To Committee on Claims.

House bill No. 56—A bill to be entitled an act to prevent persons from obstructing the passage of fish in Sandy Mush creek, in Buncombe and Madison counties. To the Committee on Propositions and Grievances.

House bill No. 44—A bill to be entitled an act concerning Clover Hill Camp Ground, in Cleveland county, and to incorporate a board of trustees thereof. To Committee on Corporations.

By Mr. Morehead, of Guilford—A bill to be entitled an

act to amend chapter 31 of the Laws of 1872-'73. To the Committee on Judiciary.

By Mr. Ellis, of Columbus: A bill to be entitled an act regulating the time of holding the terms of the Superior Courts of the Fourth Judicial District, and for other purposes. To the Committee on Judiciary.

By Mr. McCauley: A bill to be entitled an act concerning statutes, &c., issued to county officers. To Committee on Judiciary.

By Mr. Barnhardt: A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county. To the Committee on Corporations.

By Mr. Gudger: A bill to prohibit the sale of intoxicating liquors within two miles of the town of Burnsville. To the Committee on Propositions and Grievances.

By Mr. Grandy: A bill to be entitled an act to amend an act ratified December, 1865, amending the charter for building a bridge across Pasquotank river, and for other purposes. To the Committee on Judiciary.

By Mr. McCotter: A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Pitt and Hyde, and to provide for three regular terms of said court in Pitt county. To the Committee on Judiciary.

By Mr. Waring: A bill to be entitled an act to change the Constitution of the State. To the Committee on Judiciary.

By Mr. Seymour: A bill to be entitled an act to incorporate Athenia Lodge, No. 8. To the Committee on Corporations.

The following named resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives: House resolution No. 34—Resolution in relation to Insane Asylum, Deaf, Dumb and Blind, and Penitentiary. Concurred in.

House resolution No. 37—Resolution of instruction to the Attorney General. Concurred in.

By Mr. Eppes: Resolution concerning the passage of the:



civil rights bill by Congress. Laid over under the rules.

A message was sent to the House of Representatives informing that body that the Senate had concurred in House resolution No. 37—Resolution of instruction to the Attorney General, and designating Mr. Morehead, of Guilford, as the Senate branch of the Joint Select Committee raised under the same.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: Senate bill No. 31—A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes named therein, on its second reading. The question recurring on the amendment to section 8, offered by Mr. Morehead, of Rockingham, it was withdrawn by consent.

Mr. Morehead, of Guilford, moved to amend by adding the following to section 8: "And thus are empowered and directed, out of the first moneys arising from the sale of bonds, or from any lease made or to be made, to purchase from the private stockholders, or any of them who may desire to sell, their stock or any part thereof, and to pay for the same at the rate of fifty dollars per share, and the stock so purchased shall become the property of the said company." The amendment prevailed.

Mr. Waring moved to reconsider the vote by which the amendment offered by himself on yesterday was adopted as part of the third section of the bill. The motion to reconsider prevailed.

Mr. Waring then, by consent, withdrew the amendment, and moved to amend by adding the following to section 3: "Hon. William A. Graham, of Orange, Hon. David S. Reid, of Rockingham, Hon. Zebulon B. Vance, of Mecklenburg, and Hon. T. R. Caldwell, of Burke, shall be a commission to hold, issue and negotiate the bonds aforesaid; they shall pay over the proceeds realized from said bonds from time to time, as in their opinion they are required to complete the purchase of the railroads authorized by this act to be



purchased, and for the construction, equipment and completion of the Western North Carolina Railroad, both Eastern and Western Divisions, and to see that the moneys so received shall be applied to those purposes and no other. The purchase of the other railroads authorized by this act, to-wit: the Western North Carolina Railroad, Eastern and Western Divisions, and the Atlantic and North Carolina Railroads, shall be made by said commission, subject to ratification by the President and board of directors of the North Carolina Railroad Company. The President of the North Carolina Railroad shall give bond in the penal sum of one hundred thousand dollars, made payable to said commission, and with sureties to be approved by said commission, that he will properly apply, fully account for and due return make of all moneys from time to time paid over to him by said commission for the purpose set out in this act."

Mr. Humphrey moved the following amendment as a substitute for the amendment offered by Mr. Waring: "That any director or officer of the said North Carolina Railroad Company, or other person intrusted with any of the bonds, certificates of indebtedness or other funds of the company, who shall be guilty of any wrongful appropriation, misapplication, malfeasance, or other corrupt use of the same, with intent to benefit himself and to defraud the company, shall be guilty of a felony, and upon conviction thereof before any Superior Court of the State, shall be punished by a fine not exceeding ten thousand dollars and imprisonment in the Penitentiary not less than two and not exceeding ten years, or both, at the discretion of the court." The amendment to the amendment prevailed.

Mr. Troy moved to amend the amendment by striking out the words "with intent to benefit himself and defraud the company." The amendment to the amendment did not prevail. The question then recurring on the amendment offered by Mr. Waring as amended, it prevailed.

Mr. Norwood moved to amend by adding the following to



section 14: "*Provided*, That the said corporation shall not have banking privileges or be exempt from taxation."

Mr. Cowles offered the following amendment as a substitute for section 14: "The said company shall have all the powers, rights, privileges and immunities contained in their respective charters."

The question first recurring on the amendment offered by Mr. Cowles, it did not prevail.

The question next recurring on the amendment offered by Mr. Norwood, it prevailed.

Mr. Flemming moved to amend by adding the following to section 15: "*Provided further*, That if the consolidation of the roads herein authorized shall be effected no change of gauge of the North Carolina Railroad Company shall be made until their line from Salisbury to Paint Rock, on the Tennessee line, shall be finished." The amendment prevailed.

Mr. Worth moved to amend by inserting the following as an additional section:

"SECTION —. That if the North Carolina Railroad Company shall fail to commence work within one year, or fail to complete the road to Paint Rock within five years, then this amended charter shall be null and void."

Mr. Morehead, of Rockingham, moved to amend the amendment by inserting after the words "one year" the words "after the sale of the Western North Carolina Railroad and perfecting consolidation." The amendment to the amendment prevailed.

Mr. Love offered the following amendment as a substitute for the amendment offered by Mr. Worth: "That immediately after the sale of the first bonds, the company hereby created shall commence work on the railroad between Old Fort and Paint Rock, and continue the work without intermission until the road is completed between said points last named, and from a point near Asheville to the Tennessee or Georgia line, in Cherokee county."

Mr. Norwood offered the following amendment, to come in as an additional section :

“SECTION —. That no public sale of said North Carolina Railroad Company, or any part thereof, or any of its franchises or rights, shall be made until such sale shall have been advertised for six successive weeks in two newspapers in the city of Raleigh of the greatest circulation.”

Mr. Seymour moved the previous question.

Mr. Morehead, of Guilford, moved that the Senate do now adjourn until 11 A. M. to-morrow. The motion to adjourn prevailed.

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## FIFTEENTH DAY.

SENATE CHAMBER, December 4, 1873.

Journal of yesterday was read.

Mr. Ellis, of Columbus, presented a petition from citizens of New Hanover county praying the prohibition of the sale of spirituous liquors within three miles of Union Church, in Grant township, New Hanover county, which was referred to the Committee on Propositions and Grievances.

Mr. Flemming presented a petition from citizens of the town of Old Fort praying that the question of whether or not the sale of spirituous liquors should be allowed therein, be submitted to the qualified voters of said town, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Norwood for Friday and Saturday next, to Mr. Eppes from and after to-morrow until Monday next, to Mr. Smith indefinitely on account of sickness in his family, and to Mr. Hyman.

Reports from standing committees were submitted, as follows :



From Committee on Education :

By Mr. Cunningham : Senate bill No. 55—A bill to be entitled an act to authorize public schools in cities and towns of more than two thousand inhabitants, with a recommendation that it do pass.

From Committee on Propositions and Grievances :

By Mr. Love : Senate bill No. 142, House bill No. 55—A bill to be entitled an act to prevent persons from obstructing the passage of fish in Sandy Mush creek, in Buncombe and Madison counties, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

Senate bill No. 52, House bill No. 14—A bill to be entitled an act to prevent the felling of timber and other obstructions into the waters of Deep river and its tributaries, in the county of Randolph, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill No. 70, House bill No. 17—A bill to be entitled an act authorizing and empowering the Commissioners of the city of Raleigh to appoint an inspector of wood and coal, with a recommendation that it do pass.

Senate bill No. 121—A bill to be entitled an act to prevent the cutting and felling of timber and other obstructions in Second and Rider's creeks, in the county of Tyrrell, with a recommendation that it do not pass.

On motion, the bill was laid upon the table,

Senate bill No. 51, House bill No. 15—A bill to be entitled an act for the relief of N. C. Coor, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

Senate bill No. 67, House bill No. 8—A bill to be entitled an act for the relief of J. S. Hyde, late sheriff of Graham county, with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. Flemming : Senate bill No. 66, House bill No. 12—

A bill to be entitled an act to repeal chapter 68, laws of 1871-'72, with a recommendation that it do pass.

By Mr. Grandy, S. B. No. 94: A bill to be entitled an act empowering justices of the peace to take cognizance of certain petty misdemeanors, with a recommendation that it do pass.

On motion, the bill was laid upon the table.

S. B. No. 19: A bill to be entitled an act supplemental to, and explanatory of, all acts of incorporation passed by the present General Assembly, with a recommendation that it do pass.

By Mr. Morehead, of Guilford, S. B. No. 111: A bill to be entitled an act to give to the county of Cumberland three terms of the Superior Court each year, and to regulate the time for holding the same, with accompanying amendments.

From the Committee on Corporations:

By Mr. Welch, S. B. No. 112: A bill to be entitled an act to incorporate the Cross Creek Cemetery Company, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 132: A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county, with a recommendation that it be referred to the Committee on Propositions and Grievances. The recommendation of the committee was concurred in.

S. B. No. 120: A bill to be entitled an act to amend chapter 130, private laws of 1848-'49, and for other purposes, with a recommendation that it be referred to the Committee on Judiciary. The report of the committee was concurred in.

By Mr. Morehead, of Rockingham, S. B. No. 115: A bill to be entitled an act to authorize the appointment of ways and means to aid the Carolina Central Railway Company, or any other company, in extending a railroad from Lincolnton, North Carolina, to Hickory, in Catawba county, with a recommendation that it do pass.

A message was received from the House of Representatives, informing the Senate that that body had amended the concurrent resolution, proposing that this General Assembly shall



adjourn, *sine die*, on the 22d instant, as the day for said adjournment.

The question recurring on concurring in the amendment adopted by the House, the yeas and nays were ordered, and the amendment was concurred in. Yeas 33, nays 7.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Holloman, Horton, Hyman, Johnston, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murray, Nicholson, Price, Ransom, Seymour, Stafford, Troy, Walker and Waring—33.

*Nays.*—Messrs. Humphrey, Murphy, Norwood, Powell, Todd, Welch and Worth—7.

The following named bills and resolutions were introduced, read, and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Ellis, of Columbus: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Union Church, in Grant township, New Hanover county. To the Committee on Propositions and Grievances.

By Mr. Flemming: Resolution in relation to the public library. To the Committee on Library.

By Mr. Todd: A bill to be entitled an act to repeal subchapter 1, chapter 113, laws of 1868-'69. To the Committee on the Judiciary.

By Mr. Allen: A bill to be entitled an act concerning legal publications. To the Committee on the Judiciary.

A bill to be entitled an act to secure the independence of the grand jury. To the Committee on the Judiciary.

By message, from the House of Representatives, H. B. No. 11: A bill to be entitled an act to amend and consolidate the various acts heretofore passed, incorporating the town of Lumberton, in the county of Robeson. To the Committee on Corporations.

H. B. No. 135: A bill to be entitled an act for the relief of the sheriff of Pasquotank county. Placed on the calendar.

By Mr. Welch: A bill to be entitled an act to provide for running and marking the dividing line between the States of North Carolina and Tennessee. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Grandy: Senate Resolution for the additional distribution of Battle's Revisal.

Laid over under the rules.

Mr. Avera introduced the following resolution:

*Resolved*, That on and after Monday next, the Senate shall meet at 10 o'clock, A. M., and 7:30 P. M.

The resolution was read. The yeas and nays were ordered on demand of Mr. Love, and the resolution was adopted. Yeas 32, nays 6.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Holloman, Horton, Hyman, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays*.—Messrs. Flemming, Gudger, Johnston, Morehead of Guilford, Price and Seymour—6.

Bills and resolutions were acted on under a suspension of the rules, as follows:

S. B. No. 72: A bill to be entitled an act to incorporate the "Oriental Fish and Oyster Company," taken from the table and referred to the Committee on the Judiciary.

H. B. No. 125: A bill to be entitled an act for the relief of the sheriff of Pasquotank county.

The bill was read the second time.

Mr. Gudger moved to amend by striking out the second section of the bill.



The amendment did not prevail, and the bill passed the second time.

The bill was read the third time.

Mr. Gudger moved to amend by striking out the second section of the bill.

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Gudger, it did not prevail.

The question next recurring on its passage, the bill passed the third time. Yeas 30, nays 9.

*Yeas.*—Messrs. Avera, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Holloman, Horton, Humphrey, Hyman, Johnston, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guldorf, Murray, Nicholson, Norwood, Powell, Ransom, Seymour, Stafford, Walker and Welch—30.

*Nays.*—Messrs. Cunningham, Gudger, Love, Morehead of Rockingham, Murphy, Todd, Troy, Waring and Worth—9.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: S. B. No. 31: A bill to be entitled an act to amend the charter of the North Carolina Railroad and for other purposes mentioned therein.

Mr. Worth, by consent, withdrew the amendment offered by himself on yesterday.

The question recurring on the amendment offered by Mr. Norwood, it prevailed.

The question then recurring on the amendment offered by Mr. Love, Mr. Worth moved to amend the amendment by adding the following thereto: "The issue of bonds herein authorized shall not exceed three million five hundred thousand dollars until the railroad shall have been completed from Old Fort to Paint Rock."

The amendment to the amendment prevailed, and the question recurring on the amendment as amended, it prevailed.

Mr. Troy moved to amend by adding the following to section 3:

“That the bonds to be issued under the provisions of this act shall be deposited with the Treasurer of the State, and shall be registered by him in a book kept for that purpose, and said bonds shall be incomplete until so registered and certified by the Treasurer; and the Public Treasurer shall not deliver to said corporation or any of its officers more than seven hundred thousand dollars of said bonds at one time; but upon presentation of a certificate from the President, countersigned by the Secretary of said corporation, that the former payment or delivery had been faithfully expended or applied, then he is fully authorized and empowered to deliver a like amount of bonds.”

The amendment did not prevail.

Mr. Waring moved to amend by inserting after the word “President,” in lines 14 and 15 of section 3, the words “countersigned by three Directors,” and by inserting after the word “President,” in line 7, section 4, the words “countersigned by three Directors.”

The amendment prevailed.

Mr. Morehead, of Guilford, moved to amend by adding the following to section 8:

*Provided, further,* That if any stockholder or stockholders of the said North Carolina Railroad Company, being such at the time of making any such consolidation, agreement, contract or other arrangement for the purchase, merging or other acquisition of any of the railroads contemplated by this act, shall be dissatisfied with the same, the said company shall pay to such dissatisfied stockholder or stockholders the full value of his, her or their stock immediately prior to such consolidation, agreement, contract, merging or other acquisition of the said railroad company, to be assessed by three disinterested commis-



sioners appointed for that purpose by the Clerk of the Superior Court of the county in which such stockholder or stockholders may reside, on the application of either party, made upon twenty days' notice; but the said company shall not be compelled to pay for stock of any such dissatisfied stockholder or stockholders unless he or they shall give written notice of such dissatisfaction to the President, Secretary or Treasurer of the company whose stock shall be held by him or them within three months after such consolidation, agreement, contract or other arrangement for the purchasing, merging or acquiring the railroads aforesaid shall have been made and consented to by the requisite number of stockholders."

The amendment prevailed.

Mr. Troy moved to amend section 3, by striking out all after the word annexed, in line 19, to and including the word "select," in line 22, and inserting in lieu thereof the following: "The principal of said bonds shall not be payable in less than ten years, the interest payable at such time and place as the corporation may select, but the mortgage to be made to secure said bonds shall not contain provisions giving a right of foreclosure on account of any unpaid interest."

Mr. Murphy moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Troy, it did not prevail.

The question then recurring on its passage, the bill passed the second time.

On motion of Mr. Humphrey, the rules were suspended, and the bill was read the third time.

On motion of Mr. Cowles, it was ordered to be printed, and its further consideration made special order for to-morrow at one o'clock.

The following named bill, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to provide for and cure certain irregularities in executions.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. No. 18 : Resolution in favor of Hon. J. L. Henry.

Mr. Avera moved that the Committee on the State Debt be requested to report on or before Thursday next, and that their report be made the special order for 12 M. of that day ; the motion prevailed.

On motion, the Senate adjourned until 11 A. M., to-morrow.

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## SIXTEENTH DAY.

SENATE, CHAMBER, Dec. 5th, 1873.

Journal of yesterday was read.

Leave of absence was granted to Mr. Stafford until Wednesday next, and to Mr. Flemming for two days.

Reports from Standing Committees were submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Love, S. P. No. 146 : Petition from citizens of Old Fort, with a recommendation that a bill be introduced, granting the prayer of the petition, and asking that the committee be discharged from the further consideration thereof.

On motion the committee was discharged.

By Mr. Price, S. B. No. 132 : A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county, with a recommendation that it do not pass.

From the Committee on the Judiciary :

By Mr. Todd, S. B. No. 103 : A bill to be entitled an act to



amend chapter 38, Battle's Revisal, with a recommendation that it be referred to the Committee on Propositions and Grievances.

The recommendation of the committee was concurred in.

S. B. No. 109 : A bill to be entitled an act relative to the fees of justices of the peace, with a recommendation that it be referred to the Committee on Propositions and Grievances.

The recommendation of the committee was concurred in.

By Mr. Flemming, S. B. No. 105 : A bill to be entitled an act to amend section 16, chapter 1, title 4, Code of Civil Procedure, Battle's Revisal, with a recommendation that it do pass.

S. B. No. 92 : A bill to be entitled an act to constitute conductors and agents of railroads conservators of the peace, with a recommendation that it do not pass.

By Mr. Allen, S. B. No. 124 : A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Pitt and Hyde, and to provide for three regular terms of said court in Pitt county, with a recommendation that it do pass.

S. B. No. 131 : A bill to be entitled an act regulating the time of holding the terms of the Superior Courts of the Fourth Judicial District and for other purposes, with a recommendation that it do pass.

S. B. No. 152 : A bill to be entitled an act to secure the independence of the grand jury, with a recommendation that it do pass.

From the Committee on Education :

By Mr. Cunningham, S. B. No. 91, H. B. No. 42 : A bill to be entitled an act to amend an act to incorporate the trustees of Davidson College, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Price, S. B. No. 128 : A bill to be entitled an act to incorporate Athenia Lodge, No. 8, with a recommendation that it do pass.

By Mr. Welch, S. B. No. 140, H. B. No. 44 : A bill to be entitled an act concerning Clover Hill Camp Ground, in Cleave-

land county, and to incorporate a board of trustees thereof, with a recommendation that it do pass.

S. B. No. 90, H. B. No. 32: A bill to be entitled an act concerning Sharon Camp Ground, in Cleaveland county, and to incorporate a board of trustees therefor, with a recommendation that it do pass.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 17, H. B. No. 99: A bill to be entitled an act to cede to the United States a part of lot 99, in the city of Raleigh, with certain amendments.

On motion, the Senate concurred in the amendments adopted by the House, and the bill was ordered to be enrolled for ratification.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the amendments adopted by the House to S. B. No. 17, H. B. No. 99: A bill to be entitled an act to cede to the United States a part of lot 99, in the city of Raleigh, and had ordered the bill to be enrolled for ratification.

A message was received from the House of Representatives, designating Messrs. Paschall and Moring as the House branch of the Joint Select Committee of Instruction to the Attorney General; Messrs. Richardson, Stowe Willey, Dula and Gorman as the House branch of the Joint Standing Committee on Banks and Currency, and Messrs. Anderson of Davie, Copeland, Darden and Lindsay as the House branch of the Joint Standing Committee on Insurance.

The following named bills and resolutions were introduced, read, and passed first time, and were referred, or otherwise disposed of, as follows:

By message, from the House of Representatives, H. B. No. 1: A bill to be entitled an act to authorize the construction of a toll bridge across the Catawba river, near the Western North Carolina Railroad bridge. To the Committee on Corporations.



H. B. No. 61 : A bill to be entitled an act to amend section 13, chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal. To the Committee on the Judiciary.

H. B. No. 64 : A bill to be entitled an act declaring it a misdemeanor for any person who has executed a chattel mortgage, deed in trust or lien to dispose of the property with intent to defeat the mortgage. To the Committee on the Judiciary.

H. B. No. 21 : A bill to be entitled an act to amend title 4, of Code of Civil Procedure. To the Committee on the Judiciary.

H. B. No. 61 : A bill to be entitled an act to repeal such parts of sections 13 and 19, chapter 20, acts of Special Session of 1868, as required the statements provided in said section to be published in newspapers. To the Committee on the Judiciary.

H. B. No 78 : A bill to be entitled an act to enable the commissioners of Surry county to consolidate and pay the debt of said county. To the Committee on the Judiciary.

H. B. No. 85 : A bill to be entitled an act to amend section 31, chapter 115, public laws of 1872-'73. To the Committee on the Judiciary.

H. B. No. 95 : A bill to be entitled an act to repeal chapter 165, of the laws of 1872-'73. To the Committee on the Judiciary.

H. B. No. 51 : A bill to be entitled an act to enable foreign guardians of infants and insane persons to remove the estate of their wards from this State. To the Committee on the Judiciary.

H. B. No. 89 : A bill to be entitled an act to prevent the sale of liquors within two miles of Cedar Creek Church, in Anson county. To the Committee on Propositions and Grievances.

H. B. No. 92 : A bill to be entitled an act to amend chapter 134, laws of 1872-'73, entitled an act to authorize the commissioners of Wilkes county to issue bonds. To the Committee on the Judiciary.

By Mr. Troy : Resolution in favor of Fayetteville National Bank, of Fayetteville. To the Committee on Claims.

By Mr. Horton: A bill to be entitled on act to extend the time for taking out certain grants of vacant lands. To the Committee on Propositions and Grievances.

By Mr. Waring: A bill to be entitled an act in relation to public roads. To the Committee on Agriculture, Mechanics and Mining.

A bill to be entitled an act to raise revenue and protect sheep. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Troy: A bill to be entitled an act to prevent the desecration of the Sabbath. To the Committee on Propositions and Grievances.

By Mr. Johnston: A bill to be entitled an act to authorize the commissioners of the county of Washington to remove the county seat. To the Committee on Propositions and Grievances.

By Mr. Davis: A bill to be entitled an act to amend an act to change the dividing line between the counties of Granville and Franklin. To the Committee on Propositions and Grievances.

By Mr. McCotter: A bill to be entitled an act for the better protection of the county bridge across Tar river at Greenville, in Pitt county. To the Committee on the Judiciary.

By the Joint Select Committee, on Professor Kerr's report, S. R. No. —: Appropriating \$1,200.00 to reimburse those citizens who advanced this amount to defray the expense of the State's exhibition at the Grand Exposition at Vienna. Placed on the Calendar.

The following named resolutions were introduced, read and disposed of, as follows:

By message, from the House of Representatives, H. R. No. 31: Resolution requiring a report to be made by the State Geologist. Concurred in.

By message, from the House of Representatives, H. R. No. 53: Resolution in regard to inviting Ex-Governor W. A. Graham to deliver an address before the General Assembly of



North Carolina on the Mecklenburg Declaration of Independence. The resolution was read.

Mr. Love moved that the resolution lie upon the table.

The yeas and nays were ordered on demand of Mr. Waring, and the motion to lay upon the table prevailed. Yeas 23, nays 13.

*Yeas.*—Messrs. Avera, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Gudger, Hill, Holloman, Long, Love, McCotter, Miller, Morehead of Rockingham, Murray, Powell, Ransom, Stafford, Todd, Troy, Walker, Welch and Worth—23.

*Nays.*—Messrs. Allen, Barndhardt, Chamberlain, Cowles, Cramer, Ellis of Columbus, Horton, Humphrey, Johnston, McCauley, Nicholson, Price and Waring—13.

Mr. Avera moved to reconsider the vote by which the Senate on yesterday concurred in the amendment adopted by the House of Representatives to the resolution proposing to adjourn *sine die* on the 22nd inst. The motion to reconsider prevailed.

The question then recurring upon the amendment proposed by the House of Representatives, the Senate refused to concur therein, and, on motion of Mr. Avery, it was ordered that a message be sent to the House of Representatives informing them of that fact, and proposing to raise a Committee of Conference in relation to the matter of difference between the two Houses.

Mr. Avera moved to reconsider the vote by which the Senate adopted the following resolution :

*Resolved*, That on and after Monday next the Senate will meet daily at 10 A. M. and 7½ P. M.

The consideration of the motion to reconsider was postponed until to-morrow.

Bill and resolutions were acted on under a suspension of the rules as follows :

S. B. No. 21 : A bill to be entitled an act to prevent fraud

in the sale of commercial manures. Made special order for 12 M. to-day.

S. R. No. 78: A resolution concerning the Federal tax on cotton in the years 1865-'66-'67 and 1868. Read and adopted.

S. R. No. 99: Resolution concerning adjournment. Read and indefinitely postponed.

S. B. No. 70, H. B. No. 17: A bill to be entitled an act authorizing and empowering the commissioners of the city of Raleigh to appoint an inspector of wood and coal. The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then recommitted to the Committee on Propositions and Grievances.

S. B. No. 132: A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county. Recommitted to the Committee on Propositions and Grievances.

S. B. No. 54: A bill to be entitled an act to repeal an act entitled an act in regard to the terms of the courts in the county of Craven.

Read and passed second and third times. Yeas 37, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Johuston, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays.*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 21: A bill to be entitled an act to prevent fraud in the sale of commercial manures.

The bill was read and passed second time.

At 1 P. M., the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 31: A bill to be entitled



an act to amend the charter of the North Carolina Railroad Company and for other purposes therein mentioned.

The question recurring on the passage of the bill, on its third reading, Mr. Troy moved to amend by striking out the words "either by working them in chain gangs or otherwise," in section 17, line 7.

The amendment prevailed.

Mr. Ellis, of Columbus, moved to amend by striking out sections 16 and 17 of the bill.

The amendment did not prevail.

Mr. Ellis, of Columbus, moved to amend by adding the following proviso to section 16 :

*"Provided,* That horse thieves and murderers shall not be taken away from the penitentiary."

The amendment did not prevail.

Mr. Welch moved the following amendment as a substitute for section 11 :

"That the line of railway so purchased and acquired shall become absorbed and merged into the said company, and its whole line shall be known by the name of the North Carolina Railroad Company; that portion of its line from Salisbury through or near Asheville, in the direction of Georgia, shall be known as the Western Division of the North Carolina Railroad; that portion from or near Asheville, in the direction of Morristown, shall be known as the Asheville and Paint Rock Division of the North Carolina Railroad, and that portion East of Goldsboro' as the Eastern Division of the North Carolina Railroad."

The amendment prevailed.

Mr. McCauley moved to amend by striking out all after the word "select" in line 24, section 3, down to and including

the word "usury" in line 26, section 3, and inserting in lieu thereof the words :

"*Provided, nevertheless,* That such bonds shall in no event be sold for less than their par value."

The amendment did not prevail.

Mr. Todd moved to amend by striking out all after the word "amended" in line 20, section 3, and inserting in lieu thereof the words :

"That the bonds so issued shall not be payable in less than ten years, and the mortgage herein provided for shall contain no provision of foreclosure on account of any unpaid interest."

The amendment did not prevail.

The question then recurring on its passage, the bill passed the third time. Yeas 32, nays 5.

*Yeas.*—Messrs. Allen, Avera, Chamberlain, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Ransom, Seymour, Stafford, Todd, Waring, Welch and Worth—32.

*Nays.*—Messrs. Barnhardt, Cowles, Davis, McCauley and Powell—5.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

S. B. No. 54 : A bill to be entitled an act to repeal an act entitled an act in relation to the terms of the courts in the county of Craven.

On motion, the Senate adjourned until 11 A. M. to-morrow.



## SEVENTEENTH DAY.

SENATE CHAMBER, Dec. 6th, 1873.

Journal of yesterday was read.

Mr. Powell was granted an indefinite leave of absence on account of sickness.

Mr. Morehead, of Rockingham, was granted two days leave of absence from and after Monday next.

Reports from standing committees were submitted as follows :

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham, S. B. No. 12: A bill to be entitled an act to insure the completion of the Western Railroad, with an amendment in the nature of a substitute.

From the Committee on Corporations :

By Mr. Price, S. B. No. 145, H. B. No. 11: A bill to be entitled an act to amend and consolidate the various acts heretofore passed, incorporating the town of Lumberton, in the county of Robeson, with an accompanying amendment.

From the Committee on Propositions and Grievances :

By Mr. Avera, S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2 of chapter 95, private laws of 1871-'72, with an amendment in the nature of a substitute.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Worth: A bill to be entitled an act to authorize the Auditor to settle with the sureties of John Foley, late sheriff of Pitt county. Placed on the Calendar.

By Mr. Troy: A bill to be entitled an act regulating interest. To the Committee on Finance.

By Mr. Waring: A bill to be entitled an act to amend the charter of the Fair of the Carolinas at Charlotte. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Love: A bill to be entitled an act in relation to the insane. To the Committee on Insane Asylum.

A bill to be entitled an act to amend the revenue act. To the Committee on Finance.

By Mr. Mabson: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson. To the Committee on Propositions and Grievances.

By Mr. Murphy: A bill to be entitled an act to amend section 5, chapter 37, Battle's Revisal. To the Committee on the Judiciary.

By message from the House of Representatives:

H. B. No. 95: A bill to be entitled an act for the relief of sheriffs and tax collectors. To the Committee on Propositions and Grievances.

H. B. No. 152: A bill to be entitled an act to extend the time for the collection of railroad taxes in the county of Forsythe. To the Committee on Propositions and Grievances.

H. B. No. 117: A bill to be entitled an act to incorporate the North Carolina Immigration Society. To the Committee on Agriculture, Mechanics and Mining.

The following named resolutions were introduced, read, and disposed of, as follows:

By message from the House of Representatives:

H. R. No. 35: Resolution in regard to a flag presented by the ladies of Raleigh to the regiment of volunteers from North Carolina to the Mexican war.

The question recurring upon the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Price, and the resolution was concurred in by the Senate. Yeas 28, nays 5.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cramer, Cunningham, Davis, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Ransom, Todd, Walker, Waring and Welch.

—28.



*Nays.*—Messrs. Cowles, Ellis of Catawba, Johnston, Love and Worth—5.

Bills and resolutions were acted on under a suspension of the rules, as follows:

S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2 of chapter 95, private laws of 1871-'72, made special order for 12 M. on Monday next.

S. R. No. 113: A resolution authorizing and requesting R. B. Creecy, to continue the history of North Carolina, from the period reached by Dr. Hawks, to such time within recent memory as may be deemed advisable. The resolution was read the second time.

Mr. Johnston moved to amend by inserting after the words, "R. B. Creecy," wherever they occur, the words, "or any other man," and by striking out the word "thousand" in the words "five thousand dollars," so as to read "five dollars."

Mr. Avera moved that the resolution lie upon the table.

Mr. Troy moved the previous question, and the Senate ordered the main question to be put. The question recurring on the amendment offered by Mr. Johnston; it did not prevail.

The question then recurring on the passage of the resolution on its second reading, the resolution was rejected.

S. R. No. 154: Joint resolution for the additional distribution of Battle's Revisal. The resolution was read.

Mr. Grandy moved to amend by adding the following to section 1:

"The Principal and Assistant Clerks, the Engrossing and Enrolling Clerks of both houses of this General Assembly."

Mr. Love moved that the further consideration of the resolution be postponed until Tuesday next, at 1 P. M., and made the special order for that hour.

The motion prevailed.

S. B. No. 38: A bill to be entitled an act in relation to books, &c. Recommended to the Committee on the Judiciary.

S. B. No. 124: A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Pitt and Hyde, and to provide for three regular terms of said court in Pitt county each year.

The bill was read the second time.

Mr. Cowles moved to amend by inserting the following as an additional section :

“That the said counties of Pitt and Hyde shall each pay to the Judge holding said extra terms as provided for, one hundred dollars in full for such service, and to the solicitors of their respective circuits, twenty dollars in full for services at said extra term.”

On motion, the bill, together with the proposed amendment, was committed to the Committee on the Judiciary.

S. B. No. 178: A bill to be entitled an act to authorize the Auditor to settle with the sureties of John Foley, late sheriff of Pitt county. Read and passed the second and third times. Yeas 33, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Holloman, Horton, Johnston, Long, Love, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Todd, Troy, Walker, Waring, Welch and Worth—33.

*Nays.*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. R. No. 114: Resolution requiring the public printing to be let out to the lowest bidder. The resolution was read. Mr. Morehead, of Rockingham, moved the previous question. The yeas and nays were ordered on demand of Mr. Seymour, and



the Senate ordered the main question to be put. Yeas 19, nays 14.

*Yeas.*—Messrs. Barnhardt, Cowles, Cunningham, Davis, Horton, Johnston, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Price, Todd, Troy, Waring, Welch and Worth—19.

*Nays.*—Messrs. Avera, Chamberlain, Cramer, Gudger, Harris, Hill, Long, Mabson, McCabe, McCotter, Ransom, Seymour and Walker—14.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Harris, and the resolution was rejected. Yeas 13, nays 24.

*Yeas.*—Messrs. Cowles, Cramer, Grandy, Harris, Holloman, Johnston, Long, Mabson, McCabe, Ransom, Seymour and Walker—13.

*Nays.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Todd, Troy, Waring, Welch and Worth—24.

S. B. No. 91, H. B. No. 42: A bill to be entitled an act to amend an act to incorporate the trustees of Davidson College. Read and passed the second and third times. Yeas 32, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Grandy, Gudger, Harris, Hill, Holloman, Horton, Johnston, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Ransom, Price, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays.*—None.

S. B. No. 111: A bill to be entitled an act to give to the county of Cumberland three terms of the Superior Court each year, and to regulate the time for holding the same.

The bill was read the second time.

The amendments offered by the Committee on the Judiciary prevailed, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 34, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Johnston, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Ransom, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Nays.*—None.

Mr. Troy moved to reconsider the vote just had. The motion prevailed.

The question then recurring on the passage of the bill on its third reading,

Mr. Troy moved to amend section 1, by striking out the words "ratification of this act," and inserting the words "first day of March, A. D. 1874," in their stead.

The amendment prevailed, and the bill passed the third time. Yeas 30, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Holloman, Horton, Johnston, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Ransom, Todd, Troy, Walker, Waring and Worth—30.

*Nays.*—None.

Bills on the third reading were acted on as follows :

S. B. No. 21 : A bill to be entitled an act to prevent fraud in the sale of commercial manures.

Made special order for 12 M. on Tuesday next.

Bills on the second reading were acted on as follows :

S. B. No. 11 : A bill to be entitled an act fixing the weight of packages containing salted fish, &c.

Read and passed the second time.



Mr. Avera moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Worth, and the Senate refused to adjourn. Yeas 16, nays 19.

*Yeas.*—Messrs. Allen, Avera, Cramer, Grandy, Gudger, Harris, Hill, Johnston, Long, Mabson, McCotter, Murphy, Price, Todd, Walker and Welch—16.

*Nays.*—Messrs. Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Holloman, Horton, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Ransom, Waring and Worth—19.

S. B. No. 5 : A bill to be entitled an act in relation to the special term of Wayne Superior Court, to be held on the first Monday in January, 1874. The bill was read the second time, the amendments proposed by the Committee on the Judiciary prevailed, and the bill passed the second time.

On motion, the rules were suspended, and the bill was read and passed the third time. Yeas 33, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Holloman, Horton, Johnston, Long, Love, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Price, Ransom, Todd, Walker, Waring, Welch and Worth—33.

*Nays.*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act for the relief of the sheriff of Pasquotank county.

An act to repeal an act entitled an act in regard to the terms of the courts in the county of Craven.

An act to cede to the United States a certain portion of the

lot of land comprised in number 99 of the lots designated in the plan of the city of Raleigh.

The following named bill reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence.

S. B. No. 178: A bill to be entitled an act to authorize the Auditor to settle with the sureties of John Foley, late sheriff of Pitt county.

On motion, the Senate adjourned.

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## EIGHTEENTH DAY.

SENATE CHAMBER, Dec. 8th, 1873.

Journal of Saturday was read.

Leave of absence was granted Mr. Mabson until Thursday next.

A message was sent to the House of Representatives, informing that body that the Senate had concurred in the proposition to add two members of the House to the Committee on Printing.

A message was also sent informing the House of Representatives that the Senate had refused to concur in the amendment adopted by the House to the Senate resolution to adjourn *sine die* on the 22d instant, and asking that a committee of conference be appointed in relation to the matter of difference between the two Houses.

Report from Standing Committees were submitted as follows:

From the Committee on Internal Improvements:

By Mr. Cowles, S. B. No. 119: A bill to be entitled an act to incorporate the Yadkin, New and Watauga Timber and



Lumber and Raft Company, with accompanying amendments.

From the Committee on Propositions and Grievances :

By Mr. Love, S. B. No. 70, H. B. No. 17 : A bill to be entitled an act authorizing and empowering the commissioners of the city of Raleigh to appoint an inspector of wood and coal, with accompanying amendments.

S. B. No. 167 : A bill to be entitled an act to extend the time for taking out certain grants of vacant land, with a recommendation that it do pass.

S. B. No. 170 : A bill to be entitled an act to prevent the desecration of the Sabbath, with a recommendation that it do not pass.

S. B. No. 172 : A bill to be entitled an act to amend an act to change the dividing line between the counties of Granville and Franklin, with a recommendation that it do pass.

From the Committee on the Judiciary :

By Mr. Grandy, S. B. No. 157, H. B. No. 61 : A bill to be entitled an act to amend section 13, chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal, with a recommendation that it do pass.

S. B. No. 143, H. B. No. 33 : A bill to be entitled an act to require the treasurer of Cherokee county to turn over to the treasurer of Graham county certain bonds, and for other purposes, with a recommendation that it do pass.

S. B. No. 151 : A bill to be entitled an act concerning legal publications, with accompanying amendments.

By Mr. Morehead, of Guilford, S. B. No. 103 : A bill to be entitled an act to alter the Constitution of North Carolina, with a recommendation that it do pass.

S. B. No. 124 : A bill to be entitled an act to change the time of holding the courts in the counties of Pitt and Hyde, with accompanying amendments.

By Mr. Gndger, S. B. No. 150 : A bill to be entitled an act to repeal sub-chapter 1, chapter 113, laws of 1868-'69, with a recommendation that it do not pass.

From the Committee on Corporations :

By Mr. Welch, S. B. No. 156, H. B. No. 1: A bill to be entitled an act to authorize the construction of a toll bridge across the Catawba river, near the Western North Carolina Railroad bridge, with a recommendation that it do pass.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 177, H. B. No. 189: A bill to be entitled an act to authorize the Auditor to settle with the sureties of John Foley, late sheriff of Pitt county, with certain amendments.

On motion, the Senate concurred in the amendments, and the bill was ordered to be enrolled for ratification.

A message was received from the House of Representatives, transmitting reports from the officers of the Insane Asylum, the Institution for the Deaf and Dumb and the Blind, and the Penitentiary, with a proposition to print the same.

On motion, the Senate concurred in the proposition to print.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Ransom: A bill concerning the annexation of Goose Creek Island to Pamlico county. To the Committee on Propositions and Grievances.

A bill to confirm the sale of public lands to S. T. Carrow. To the Committee on Education.

By the Committee on the Insane Asylum: A bill for the support, repairs, improvement and payment of the debts of the Insane Asylum for the year A. D. 1874. Placed on the calendar.

By Mr. McCabe: A bill providing for the service of civil process against infants and persons of non-sane mind, to regulate the appointment of guardians *ad litem*, and for other purposes, in regard to infants and non-sane persons. To the Committee on the Judiciary.

By message from the House of Representatives, H. B. No. 31: A bill in relation to foreign insurance companies. Placed on the calendar.



H. B. No. 103: A bill to be entitled an act to incorporate Montmorency Church, in Buncombe county. To the Committee on Propositions and Grievances.

H. B. No. 46: A bill to be entitled an act to create a laborers' and mechanics' lien law and for other purposes. To the Committee on the Judiciary.

H. B. No. 148: A bill to be entitled an act to incorporate the town of Whiteville, in Columbus county. To the Committee on Corporations.

H. B. No. 116: A bill to be entitled an act to amend the charter of the town of Beaufort. To the Committee on Corporations.

H. B. No. 104: A bill to be entitled an act to incorporate the Baptist Church of Hominy, in Buncombe county. To the Committee on Corporations.

H. B. No. 105: A bill to be entitled an act to incorporate the Weaversville College, in Buncombe county. To the Committee on Corporations.

H. R. No. 35: Resolution instructing the Secretary of State to issue a grant to A. W. Bell, of Macon county. To the Committee on Propositions and Grievances.

H. B. No. 37: A bill to be entitled an act to incorporate the members of the congregation of united brethren of the town of Salem and vicinity, commonly called Moravians. To the Committee on Corporations.

The following named resolutions were introduced, read, and disposed of, as follows:

By message from the House of Representatives:

H. R. No. 7: Resolution on the subject of the increase of pay of Senators and Representatives in Congress.

The resolution was read.

Mr. Harris moved to amend by striking out section 2.

The previous question having been moved, the Senate ordered the main question to be put.

The question recurring on the amendment offered by Mr. Harris, the yeas and nays were ordered on demand of Mr.

Cowles, and the amendment did not prevail. Yeas 14, nays 22.

*Yeas.*—Messrs. Chamberlain, Cramer, Grandy, Harris, Hill, Holloman, Humphrey, King, Long, McCabe, McCotter, Ransom, Seymour and Walker—14.

*Nays.*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Love, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Todd, Waring, Welch and Worth—22.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Morehead, of Guilford, and the resolution was adopted. Yeas 26, nays 9.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Gudger, Holloman, Horton, Humphrey, King, Love, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Todd, Walker, Waring, Welch and Worth—26.

*Nays.*—Messrs. Chamberlain, Cramer, Ellis of Columbus, Grandy, Harris, Hill, Long, McCabe, McCotter and Seymour—9.

At 12 M. the Senate proceeded to consider S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2, of chapter 95, private laws of 1871-'72.

On motion, the consideration of the special order was postponed, and the bill was made special order for 12 M. to-morrow.

The Senate then proceeded to reconsider the motion to reconsider the vote by which it, on the 4th instant, adopted the following resolution :

*Resolved*, That on and after Monday, the Senate will meet daily at 10 A. M. and 7½ P. M.



The motion to reconsider prevailed.

The question then recurring on the adoption of the resolution, Mr. Love moved to amend by substituting "11 A. M." for "10 A. M." as the hour for the morning session.

The amendment prevailed.

Mr. Warin<sup>o</sup> moved to amend by inserting after "7½ P. M." the words "on Monday, Wednesday and Friday," so that the resolution would read :

*Resolved*, That on and after Monday the Senate shall meet daily at 11 A. M. and at 7½ P. M. on Monday, Wednesday and Friday of each week.

The amendment prevailed, and the question recurring on the adoption of the resolution as amended, the yeas and nays were ordered on demand of Mr. Love, and the resolution was adopted. Yeas 31, nays 1.

*Yeas.*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Horton, Humphrey, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Seymour, Todd, Walker, Waring, Welch, and Worth—31.

*Nays.*—Mr. Johnston—1.

Bills and resolutions were acted on, under a suspension of the rules, as follows :

Senate resolution No. 16 : Resolution requiring the Door-keeper to have additional furniture procured in the Senate Chamber. Laid on the table.

S. B. No. 12 : A bill to be entitled an act to insure the completion of the Western Railroad. Made the special order for 12 M., on Wednesday, the 10th instant.

S. B. No. 11 : A bill to be entitled an act fixing the weight of packages containing salted fish, &c. Read and passed the third time. Yeas 29, nays none

*Yeas.*—Messrs. Barnhardt, Chamberlain, Cowles, Davis,

Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, Johnston, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Todd, Walker, Waring, Welch, and Worth—29.

*Nays.*—None.

S. B. No. 115: A bill to be entitled an act to authorize the appointment of commissioners to provide ways and means to aid the Carolina Central Railway Company, or any other company, in extending a railroad from or near Lincolnton, North Carolina, to Hickory, in Catawba county. Read and passed the second time. Yeas 29, nays none.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, McCabe, McCauley, McCotter, Miller, Murray, Nicholson, Norwood, Price, Ransom, Todd, Walker, Waring, Welch and Worth—29.

*Nays.*—None.

S. B. No. 93: A bill to be entitled an act to amend chapter 60, section 16, laws 1869-'70. Read and passed the second and third times. Yeas 27, nays none.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Davis, Ellis of Catawba, Gudger, Harris, Hill, Holloman, Horton, Humphrey, King, Long, Love, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Todd, Walker, Waring, Welch and Worth—27.

*Nays.*—None.

S. B. No. 79: A bill to be entitled an act to amend the charter of the town of Hickory, in the county of Catawba.

Read and passed the second and third times. Yeas 30, nays none.

*Yeas.*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Hill, Holloman, Horton, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Ransom, Todd, Walker, Waring and Worth—30.

*Nays.*—None.



S. B. No. 124: A bill to be entitled an act to change the time of holding the courts in the counties of Pitt and Hyde.

The question recurring on the amendment offered by the Committee on the Judiciary, it prevailed, and the bill passed the second time.

The bill was then read and passed its third time. Yeas 31, nays none.

*Yeas.*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, King, Long, Love, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Seymour, Todd, Walker, Waring, and Worth—31.

*Nays.*—None.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

S. B. No. 5: A bill to be entitled an act in relation to the special term of Wayne Superior Court, to be held on the first Monday in January, 1874.

S. R. No. 78: A resolution concerning the Federal tax on cotton, in the years 1865, 1866, 1867 and 1868.

S. B. No. 31: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes named therein.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the Auditor and Treasurer to settle with the sureties of John Foley, late sheriff of Pitt county.

An act to establish an additional term of the Superior Court of Guilford county.

Resolution concerning the flag presented by the ladies of Raleigh, to the Mexican Volunteers, to the Mexican war from North Carolina.

Mr. Price moved that the Senate do now adjourn, the yeas and nays were ordered on demand of Mr. Love, and the motion to adjourn prevailed. Yeas 17, nays 15.

*Yeas.*—Messrs. Allen, Cramer, Davis, Grandy, Gudger, Harris, Hill, Humphrey, Johnston, King, Long, McCabe, Morehead of Guilford, Murphy, Norwood, Price and Waring—17.

*Nays.*—Messrs. Barnhardt, Chamberlain, Cowles, Ellis of Catawba, Ellis of Columbus, Holloman, Horton, Love, McCauley, Miller, Murray, Nicholson, Todd, Walker and Worth—15.

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#### EVENING SESSION.

SENATE CHAMBER, Dec. 8th, 1873.

Mr. Worth moved that the private calendar be taken up, and that the twenty-fifth of the rules of order of the Senate, which requires the yeas and nays to be taken on the final passage of every bill be suspended for to-night. The motion prevailed.

The following named bills were acted on as follows, under a suspension of the rules :

S. B. No. 145, H. B. No. 11 : A bill to be entitled an act to amend and consolidate the various acts heretofore passed incorporating the town of Lumberton, in the county of Robeson. The bill was read the second time. The amendments proposed by the Committee on Corporations prevailed, and the bill passed the second time. The bill was then read and passed the third time.

S. B. No. 37 : A bill to be entitled an act to amend the charter of the Rabun Gap Short Line Railway Company. The bill was read the second time. The amendment in the nature of a substitute offered by the Committee on Internal Improve-



ments prevailed, and the bill passed the second time. The bill was then read and passed the third time.

S. B. No. 112: A bill to be entitled an act to incorporate the Cross Creek Cemetery Company. Read and passed the second and third times.

S. B. No. 71, H. B. No. 18: A bill to be entitled an act for the relief of citizens of Graham county. Read and passed the second time.

The bill was read the third time.

Mr. Gudger moved to amend by inserting the following in the place of section 1:

“That the citizens of Graham county, and all the other counties in the State, shall not be subject to any toll gate within Cherokee county, or any other county west of Asheville, on the Western Turnpike Road.”

The amendment prevailed.

Mr. Love moved to reconsider the vote just had.

Mr. King moved that that motion lie upon the table.

The motion to lay upon the table prevailed, and the bill passed the third time.

S. B. No. 90, H. B. No. 32: A bill to be entitled an act concerning Sharon Camp Ground in Cleaveland county, and to incorporate a board of trustees therefor. Read and passed the second and third times.

S. B. No. 86, H. B. No. 7: A bill to be entitled an act to amend an act entitled an act to incorporate the Wilmington Sea Side Railroad Company. Read and passed the second and third times.

S. B. No. 80: A bill to be entitled an act to re-enact chapter 107, laws of 1872-'73. Laid on the table.

S. B. No. 68, H. B. No. 13: A bill to be entitled an act to prevent the felling of trees in Richland creek, in the county of Guilford, and for other purposes. Read and passed the second time.

The bill was read the third time, and, on motion, was referred to the Committee on the Judiciary.

S. B. No. 41: A bill to be entitled an act to incorporate Boone Lodge, No. 71, Independent Order of Odd Fellows. Read and passed the second and third times.

S. B. No. 67, H. B. No. 8: A bill to be entitled an act for the relief of the sureties of J. S. Hyde, late sheriff of Graham county; Read and passed the second and third times.

S. B. No. 128: A bill to be entitled an act to incorporate Athenia Lodge, No. 8. Read and passed the second and third times.

S. B. No. 140, H. B. No. 44: A bill to be entitled an act concerning Clover Hill Camp Ground, in Cleaveland county, and to incorporate a board of trustees therefor. Read and passed the second and third times.

S. B. No. 28: A bill to be entitled an act to establish a turn-pike road from the town of Statesville, in Iredell county, to the Virginia line. The bill was read its second time.

Mr. Nicholson moved to amend by striking out section 4.

The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Murphy: A bill to be entitled an act to amend the private laws of 1872-'73, chapter 39, sections 6 and 10. To the Committee on Banks and Currency.

By Mr. McCauley: A bill to be entitled an act to repeal section 343 of the Code of Civil Procedure, chapter 17 of Battle's Revisal. To the Committee on the Judiciary.

The President announced an invitation to the Senate to attend the fifth annual fair of the Cape Fear Agricultural Society.

On motion, it was ordered, that the President be requested.



to acknowledge the receipt of the invitation, and to return the thanks of the Senate for the same.

Mr. Morehead, of Guilford, moved to reconsider the vote by which the Senate resolution authorizing and requesting R. B. Creecy to continue the history of North Carolina from the period reached by Dr. Hawks to such time within recent memory as may be deemed necessary.

The motion to reconsider prevailed.

The question then recurring on the passage of the resolution on its second reading, on motion, the further consideration thereof was postponed until Monday next.

On motion, the Senate adjourned.

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## NINETEENTH DAY.

SENATE CHAMBER, Dec. 9th, 1873.

The journal of yesterday was read.

Indefinite leave of absence was granted to Mr. Avera, on account of sickness in his family.

A message was sent to the House of Representatives, informing that body that the Senate had concurred in the amendments adopted by the House to S. B. No. 177, H. B. No. 189 : A bill to be entitled an act to authorize the Auditor to settle with the sureties of John Foley, late sheriff of Pitt county, and had ordered the bill to be enrolled for ratification.

Mr. Cramer, on behalf of himself and others, submitted the following protest, which was received and read, and ordered to be spread on the journal :

“ We, the undersigned, Republican members of the Senate, who on yesterday voted in the negative on the House resolution, ‘ entitled resolutions on the subject of increase of the pay

of Senators and Representatives in Congress,' beg leave to file our protest against the passage of said resolutions in its present shape, and to explain our reasons for opposition to the same."

The first resolution reads as follows :

*"Resolved*, That the action of the 42d Congress, in its closing hours, by which the pay of Senators and Representatives was increased twenty-five hundred dollars per annum, and said increase made to relate to the first day of said Congress, was indefensible in principle, and tended to bring our government into disrepute."

No language could more forcibly express our views on the "salary grab" question than the above, and but for the attempt of those in open political hostility to the President of the United States, to hold the Executive equally responsible for the passage of this most odious measure, would have received our hearty support.

The language of the second resolution is, as follows :

*"That* the Executive of the nation in approving the measure made himself a party to the wrong."

This we do not believe, and therefore cannot endorse, and we can never become a party to the censure of the National Executive under the circumstances in which this outrageous measure was forced upon him. It is well known, even to Senators upon this floor who are politically opposed to a Republican administration, that the salary grab scheme was tacked on to the general appropriation bill, and there was no other alternative but for the President to give it his signature, otherwise defeat the bill, making the necessary provisions for the administration and carrying on of the general government. We have too much confidence in the honesty and integrity of the President of the United States to place ourselves



on a false record, even to the condemnation of a set of hungry vultures of both parties in the Congress of the United States, who are responsible for the nefarious game, by an attempt to contribute in a dishonorable way to their own private gains. Our motto is "honor to whom honor is due."

For the above reasons we were compelled to record our vote against the passage of the resolution.

The last resolution which we endorse, is as follows :

"That the most fitting reparation which can be made by Congress for the injury and wrong complained of is a prompt recognition of that injury, and the immediate repeal of the law."

We therefore respectfully ask leave to submit this explanation of our vote on the passage of said resolution, and ask that the same be placed upon the Journal of to-day.

JOHN W. CRAMER,  
JACOB McCOTTER,  
GEO. N. HILL,  
C. W. GRANDY. JR.,  
R. T. LONG,  
J. H. HARRIS,  
A. McCABE."

Mr. Cunningham asked and obtained leave to have his name recorded as voting in the negative on the amendment offered by Mr. Harris to Senate resolution concerning the increase of Senators and Representatives in Congress, and in the affirmative on the vote by which the resolution was adopted.

Reports from standing committees were submitted as follows :

From the Committee on Agriculture, Mechanics' and Mining:  
By Mr. Norwood, S. B. No. 179 : A bill to be entitled an act to amend the charter of the Fair of the Carolinas at Charlotte, with accompanying amendment.

S. B. No. 168: A bill to be entitled an act in relation to public roads, with a recommendation that it do not pass.

S. B. No. 169: A bill to be entitled an act to raise revenue and protect sheep with a recommendation that it do not pass.

From the Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 171: A bill to be entitled an act to authorize the commissioners of the county of Washington to remove the county seat, with a recommendation that it do not pass.

From the Committee on the Judiciary:

By Mr. Gudger, S. B. No. 120: A bill to be entitled an act to amend chapter 130, private laws of 1848-'49, and for other purposes, with accompanying amendment.

By Mr. Allen, S. B. No. 159, H. B. No. 21: A bill to be entitled an act to amend title four, Code of Civil Procedure, with a recommendation that it do pass.

S. B. No. 184: A bill to be entitled an act to amend section 5, chapter 37, Battle's Revisal, with a recommendation that it do pass.

S. B. No. 42: A bill to be entitled an act to amend chapter 37 of Battle's Revisal, with a recommendation that it do pass.

S. B. No. 104: A bill to be entitled an act to authorize the board of trustees of Hickory Tavern township to establish public highways, and for other purposes, with a recommendation that it do not pass.

S. B. No. 77: A bill to be entitled an act to establish a special criminal court in the city of Wilmington, with a recommendation that it do not pass.

By Mr. Grandy, S. B. No. 127: A bill to be entitled an act concerning statutes, &c., issued to county officers, with a recommendation that it do not pass.

S. B. No. 38: A bill to be entitled an act in relation to books, &c., with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

By Mr. Morehead, of Guilford, S. B. No. 163, H. B. No. 95:



A bill to be entitled an act to repeal chapter 165 of the laws of 1872-'73, with a recommendation that it do pass.

By Mr Todd, S. B. No. 161, H. B. No. 7: A bill to be entitled an act to enable the Commissioners of Surry county to consolidate and pay the debt of said county, with a recommendation that it do pass.

S. B. No. 22: A bill to be entitled an act to make slander a misdemeanor, with a request that the committee be discharged from the further consideration thereof.

S. B. No. 162, H. B. No. 85: A bill to be entitled an act to amend section 31, chapter 115, public laws of 1872-'73, with a recommendation that it do pass.

S. B. No. 125: A bill to be entitled an act to amend an act ratified December, 1865, amending the charter for building a bridge across Pasquotank river, and for other purposes, with a recommendation that it do pass.

S. B. No. 141, H. B. No. 48: A bill to be entitled an act to prevent the adulteration and the sale of adulterated alcoholic liquors, with a recommendation that it do pass.

S. B. No. 129: A bill to be entitled an act to change the Constitution of the State, with a recommendation that it do not pass.

By Mr. Price, S. B. No. 158, H. B. No. 64: A bill declaring it a misdemeanor for any person who has executed a chattel mortgage, deed in trust, or lien, to dispose of the property with intent to defeat the mortgagee, with a recommendation that it do pass.

S. B. No. 164, H. B. No. 51: A bill to be entitled an act to enable foreign guardians of infants and insane persons to remove the estates of their wards from this State, with a recommendation that it do pass.

From the Committee on Agriculture, Mechanics' and Mining:

By Mr. Norwood, H. B. No. 11: A bill to incorporate the North Carolina Agricultural Society, with a recommendation that it do pass.

A message was received from the House of Representatives,

informing the Senate that that body had concurred in the proposition to raise a committee of conference in relation to the matter of difference between the two Houses on the adjournment *sine die*, and designating Messrs. Jones, of Orange, Craige, Bowman, Bryson, of Jackson, and Lutterloh, as the House branch of said committee, and in answer thereto a message was sent to the House of Representatives, designating Messrs. Waring, McCabe and Murphy, as the Senate branch of said committee.

A message was received from the House of Representatives designating Messrs. Bryson, of Swain, and Gorman as the additional members of the House branch of the Committee on Printing.

The following named bills and resolutions were introduced, read, and passed first time, and were referred or otherwise disposed of, as follows :

By Mr. Allen : A bill to be entitled an act to lay off and establish a new county by the name of Morehead. To the Committee on Propositions and Grievances.

By message from the House of Representatives :

H. R. No. 69 : Resolution in favor of the sheriff of Buncombe county. Placed on the Calendar.

H. B. No. 186 : A bill to be entitled an act to authorize the Dan River Coal Fields Railroad to buy the Atlantic, Tennessee and Ohio Railroad. To the Committee on Internal Improvements.

H. B. No. 27 : A bill to be entitled an act for the benefit of the farmers in Chashie Neck, Bertie county. To the Committee on Propositions and Grievances.

H. B. No. 36 : A bill to be entitled an act to incorporate Rock Spring Seminary, in the county of Lincoln. To the Committee on Education.

H. B. No. 101 : A bill to be entitled an act for the relief of the sheriff of Chowan county. Placed on the Calendar.

H. B. No. 88 : A bill to be entitled an act to prevent the sale of spirituous liquor within two miles of the Methodist



Church at Shallotte Camp Ground, in Brunswick county. To the Committee on Propositions and Grievances.

H. R. No. 19: Resolution in favor of B. F. Wiley, sheriff of Gates. Placed on the Calendar.

By Mr. McCabe: A bill to be entitled an act to authorize the late sheriff, Wm. H. Knight, of Edgecombe county, to collect arrears of taxes. To the Committee on Propositions and Grievances.

A bill to be entitled an act to provide for filling vacancies in the office of county surveyor. To the Committee on the Judiciary.

By Mr. Welch: A bill to be entitled an act to establish a new county by the name of Bragg. To the Committee on Propositions and Grievances.

By Mr. Ellis, of Columbus: A bill to be entitled an act to amend sections 264, 265, 270 and 273 of the Code of Civil Procedure. To the Committee on the Judiciary.

By Mr. Todd: A bill to be entitled an act to cure defects of jurisdiction in certain cases. To the Committee on the Judiciary.

By Mr. Allen: A bill to be entitled an act to establish a new county by the name of Morehead. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read and disposed of, as follows:

By message, from the House of Representatives, H. R. No. 63: Resolution in relation to the United States Court House and Post Office, to be built at Raleigh, N. C., concurred in.

At 12 M., the Senate proceeded to consider S. B. No. 21: A bill to be entitled an act to prevent fraud in the sale of commercial manures, it being the special order for that hour.

The bill was read the third time.

Mr. Cowles moved to amend by adding to section 8, the words "to be collected by the Geologist and paid into the Public Treasury."

Mr. Love moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment offered by Mr. Cowles, it did not prevail.

The question then recurring on its passage, the bill passed the third time. Yeas 30, nays none.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Holloman, Horton, Humphrey, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Todd, Troy, Walker, Waring, Welch and Worth—30.

*Nays.*—None.

The Senate then proceeded to consider the next special order, to-wit: S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2 of chapter 95, private laws of 1870-'72.

On motion, the further consideration of the bill was postponed and made special order for 12 M. on Tuesday, the 16th instant.

Bills and resolutions were acted on as follows, under a suspension of the rules:

S. B. No. 151: A bill to be entitled an act concerning legal publications. Recommitted to the Committee on the Judiciary.

S. R. No. 183: Resolution concerning the passage of the Civil Rights Bill by Congress. Made special order for 12 M. on Wednesday, the 17th instant.

S. B. No. 19: A bill to be entitled an act supplemental to and explanatory of all acts of incorporation passed by the present General Assembly. Read and passed the second time.

S. B. No. 115: A bill to be entitled an act to provide ways and means to aid the Carolina Central Railway or any other company, in extending a road from or near Lincolnton, North Carolina, to Hickory, in Catawba county.

The bill was read the third time



Mr. Ellis, of Catawba, moved to amend by adding the following to section 13:

*“ Provided, further, That the bonds shall also be countersigned by the Secretary and Treasurer.”*

The amendment prevailed, and the bill passed the third time: Yeas 27, nays 1.

*Yeas.*—Messrs. Allen, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Horton, Humphrey, Johnston, Long, McCabe, McCauley, McCotter, Miller Murphy, Murray, Nicholson, Ransom, Todd, Troy, Waring, Welch and Worth—27.

*Nays.*—Mr. Love—1.

S. B. No. 27: A bill to be entitled an act to prevent whipping in the State's prison and jails. The bill was read the second time.

Mr. Worth moved that the bill lie upon the table.

The yeas and nays were ordered on demand of Mr. Harris, and the motion to lay the bill on the table prevailed. Yeas 18, nays 15.

*Yeas.*—Messrs. Allen, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Horton, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Todd, Troy, Waring and Worth—18.

*Nays.*—Messrs. Cowles, Cramer, Eppes, Grandy, Gudger, Hill, Holloman, King, Love, McCabe, McCotter, Ransom, Seymour, Walker and Welch—15.

H. B. No. 117: A bill to be entitled an act to incorporate the North Carolina Immigration Society. Read and passed the second and third times. Yeas 26, nays none.

*Yeas.*—Messrs. Allen, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Hill, Holloman, Humphrey, Johnston, Long, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Price, Seymour, Todd, Troy, Walker, Welch and Worth—26.

*Nays.*—None.

H. R. No. 79: Resolution in favor of B. F. Wiley, sheriff of Gates, read and passed the second and third times. Yeas 32, nays none.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Johnston, King, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Seymour, Todd, Walker, Waring, Welch and Worth—32.

*Nays.*—None.

The resolution was ordered to be forthwith enrolled for ratification.

H. R. No. 69: Resolution in favor of the sheriff of Buncombe county.

The resolution was read the second time.

Mr. Worth moved to amend by striking out the words "and costs," and by inserting the word "and" before the word "penalties."

Mr. Todd moved the previous question, and the Senate ordered the main question to be put.

The question recurring on the amendment offered by Mr. Worth, it did not prevail.

The question then recurring on its passage, the resolution passed the second time.

The resolution was then read and passed the third time. Yeas 33, nays 2.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Todd, Troy, Walker, Waring and Welch—33

*Nays.*—Messrs. King and Worth 2.

Mr. Welch moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay upon the table prevailed.



S. B. No. 163, H. B. No. 95 : A bill to be entitled an act to repeal chapter 165 of the laws of 1872-'73. Read and passed the second and third times. Yeas 32, nays none.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Holloman, Horton, Johnston, King, Long, Love, McCabe, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Ransom, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays.*—None.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the Office of the Secretary of State :

Resolution in favor of J. M. Young, sheriff of Buncombe county.

Resolution in favor of B. F. Wiley, sheriff of Gates county.

The following named bills, resolutions and amendments reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 111 : A bill to be entitled an act to give to the county of Cumberland three terms of the Superior Court each year, and to regulate the time for holding the same.

S. B. No. 124 : A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Pitt and Hyde, and to provide for three regular terms of said court in Pitt county.

On motion, the Senate adjourned.

## TWENTIETH DAY.

SENATE CHAMBER, Dec. 10th, 1873.

The journal of yesterday was read.

Mr. Powell asked and obtained leave to have his name recorded as voting in the negative on the vote by which the amendment offered by Mr. Harris, to House Resolution No. 78, concerning the increase of pay of Senators and Representatives in Congress was rejected, and in the affirmative on the vote by which the resolution was adopted.

Mr. Powell presented a petition concerning the sale of spirituous liquors at Egypt Coal Fields, in Chatham county, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted, as follows:

From the Committee on Claims:

By Mr. Troy, S. R. No. 175: A resolution in favor of the Fayetteville National Bank, of Fayetteville, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 187: A bill to be entitled an act concerning the annexation of Goose Creek Island to Pamlico county, with a recommendation that it do pass.

S. B. No. 186, H. B. No. 95: A bill to be entitled an act for the relief of sheriffs and tax collectors, with accompanying amendments.

From the Committee on Corporations:

By Mr. Welch: S. B. No. 195, H. B. No. 116: A bill to be entitled an act to amend the charter of the town of Beaufort, with a recommendation that it do pass.

S. B. No. 194, H. B. No. 104: A bill to be entitled an act to incorporate the Baptist Church, of Hominy, in Buncombe county, with a recommendation that it do pass.

S. B. No. 193, H. B. No. 105: A bill to be entitled an act



to incorporate the Weaversville College, in Buncombe county, with a recommendation that it do pass.

S. B. No. 196, H. B. No. 148 : A bill to be entitled an act to incorporate the town of Whiteville, in Columbus county, with a recommendation that it do pass.

From the Committee on Banks and Currency :

By Mr. Humphrey, S. R. No. 45 : Resolution of request to our Senators and Representatives in Congress on the subject of Banking and Currency, with a recommendation that it do pass.

From the Committee on the Judiciary :

By Mr. Seymour, S. B. No. 72 : A bill to be entitled an act to incorporate the Oriental Fish and Oyster Company, with accompanying amendments.

By Mr. Gudger, S. B. No. 173 : A bill to be entitled an act for the better protection of the county bridge across Tar river at Greenville, in Pitt county, with a recommendation that it do not pass.

S. B. No. 130 : A bill to be entitled an act to amend chapter 31, laws of 1872-'73, with a recommendation that it do not pass.

From the Committee on Education :

By Mr. Cunningham, S. B. No. 188 : A bill to be entitled an act to confirm the sale of public lands to S. T. Carrow, with a recommendation that it do not pass.

From the Committee on Claims :

By Mr. Troy, S. R. No. 88, H. R. No. 16 : Resolution in favor of W. H. Morris & Co., with a recommendation that it do pass.

S. R. No. 135, H. R. No. 17 : Resolution in favor of D. D. Ferebee, sheriff of Camden county, with a recommendation that it do not pass.

S. R. No. 87, H. R. No. 14 : Resolution in favor of Jas. H. Enniss, Agent, with a recommendation that it do pass.

S. R. No. 89, H. R. No. 31 : Resolution in favor of J. H. Enniss, with a recommendation that it do pass.

S. R. No. 63 : Resolution in favor of J. H. Enniss, with a recommendation that it do pass.

S. R. No. 136, H. R. No. 26 : Resolution in favor of Birch McHan, with a recommendation that it do pass.

The following named bills were introduced, read and passed the first time, and referred or otherwise disposed of, as follows :

By Mr. Welch : A bill to be entitled an act to amend an act to prevent distemper and other infectious diseases among cattle. To the Committee on Propositions and Grievances.

By Mr. Nicholson : A bill to be entitled an act concerning the State debt. To the Joint Select Committee on the State Debt.

By Mr. Worth : A bill to be entitled an act to adjust the public debt. To the Committee on the State Debt. Ordered to be printed.

By Mr. Allen : A bill to be entitled an act to allow the commissioners of Duplin county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Todd : A bill to be entitled an act to make seduction a misdemeanor. To the Committee on the Judiciary.

By Mr. McCauley : A bill to be entitled an act to incorporate the People's Bank of Monroe. To the Committee on Corporations.

By Mr. Humphrey : A bill to be entitled an act to amend the Constitution of the State of North Carolina. To the Committee on the Judiciary.

By Mr. Ransom : A bill to be entitled an act to protect oysters in the waters of the State. To the Committee on the Judiciary.

By Mr. Troy : A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company. To the Committee on Corporations.

By message from the House of Representatives :

H. B. No. 128 : A bill to be entitled an act to change the time for the meeting of the board of commissioners and county



board of education of Carteret county. To the Committee on Propositions and Grievances.

H. B. No. 120: A bill to be entitled an act to amend section 55, title 5, of the Code of Civil Procedure. To the Committee on the Judiciary.

H. B. No. 23: A bill to be entitled an act to restore burnt records in the county of Watauga. To the Committee on the Judiciary.

H. B. No. 70: A bill to be entitled an act to prevent persons from carrying torch lights through covered bridges, in the county of Randolph. To the Committee on Propositions and Grievances.

H. B. No. 100: A bill to be entitled an act to establish a toll bridge on the French Broad river, in Buncombe county. To the Committee on Propositions and Grievances.

H. B. No. 69: A bill to be entitled an act to amend chapter 162, section 27, laws of 1868-'69. To the Committee on the Judiciary.

H. B. No. 107: A bill to be entitled an act to amend the act of incorporation of Lincolnton. To the Committee on Corporations.

H. B. No. 141: A bill to be entitled an act for the benefit of Stanly county and others. To the Committee on Propositions and Grievances.

H. B. No. 145: A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 144: A bill to be entitled an act to incorporate Gray's Chapel Methodist Protestant Church, in the county of Randolph. To the Committee on Corporations.

H. B. No. 134: A bill to be entitled an act to repeal chapter 69, laws of 1870-'71. To the Committee on the Judiciary.

H. B. No. 227: A bill to be entitled an act to regulate the price of Battle's Revisal. To the Committee on the Judiciary.

H. B. No. 184: A bill to be entitled an act to incorporate Clayton Lodge, No. 68, of Odd Fellows, in the county of

Johnston. To the Committee on Propositions and Grievances.

H. B. No. 143 : A bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax. To the Committee on Propositions and Grievances.

The following named resolutions were introduced, read, and disposed of, as follows :

By Mr. Cramer : Resolution of instruction to the Public Printer for 1873-'74. Laid over under the rules.

Mr. Morehead, of Guilford, moved that when the Senate adjourns, it will adjourn until 11 A. M., to-morrow.

The motion prevailed.

At 12 M., the Senate proceeded to consider S. B. No. 12 : A bill to be entitled an act to insure the completion of the Western Railroad, it being the special order for that hour.

The question recurring on the amendment, proposed by the Committee on Internal Improvements.

Mr. Troy moved an amendment, in the nature of a substitute, for the amendment offered by the committee.

Mr. Welch, that the bill be recommitted to the Committee on Internal Improvements.

Mr. Troy moved that the further consideration of the bill be postponed indefinitely.

The yeas and nays were ordered on demand of Mr. Morehead, of Guilford, and the motion to postpone indefinitely did not prevail. Yeas 15, nays 20.

*Yeas.*—Messrs. Allen, Chamberlain, Ellis of Catawba, Ellis of Columbus, Gudger, Humphrey, King, Long, Love, Murphy, Norwood, Ransom, Troy, Walker and Waring—15.

*Nays.*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Eppes, Hill, Holloman, Horton, McCabe, McCauley, Miller, Morehead of Guilford, Murray, Nicholson, Powell, Smith, Todd, Welch and Worth—20.

Mr. Cowles moved that the further consideration of the bill be postponed and made the special order for 12 M., on Tues-



day, the 16th instant, and that the amendment offered by Mr. Troy be printed.

The motion prevailed.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 55: A bill to be entitled an act to authorize public schools in cities and towns of more than two thousand inhabitants. Read the second time.

On motion, the bill was made the special order for 12 M. on Saturday next, the 13th instant, and ordered to be printed.

S. B. No. 19: A bill to be entitled an act supplemental to, and explanatory of, all acts of incorporation passed by the present General Assembly.

The bill was read the third time, and, on motion, was referred to the Committee on Banks and Currency, made the special order for 1 P. M. on Friday, the 12th instant, and ordered to be printed.

S. B. No. 59: A bill to be entitled an act in relation to entries of land. Recommended to the Committee on the Judiciary.

S. B. No. 105: A bill to be entitled an act to authorize the board of trustees for Hickory Tavern township, to establish public highways, and for other purposes. Recommended to the Committee on the Judiciary.

S. B. No. 173: A bill to be entitled an act for the better protection of the county bridge across Tar River at Greenville, in Pitt county. Recommended to the Committee on the Judiciary.

Bills on second reading were acted on, as follows:

S. B. No. 29: A bill to be entitled an act to amend chapter 52, section 10, Battle's Revisal.

The bill was read the second time.

The amendment proposed by the Committee on the Judiciary prevailed, and the bill was referred to the Committee on Privileges and Elections.

S. B. No. 22 : A bill to be entitled an act to make slander a misdemeanor. Read the second time and laid on the table.

S. B. No. 32 : A bill to be entitled an act in relation to bastardy. Read the second time and laid on the table.

S. B. No. 36 : A bill to be entitled an act concerning incorporated towns and villages. Read and passed the second time.

On motion, the rules were suspended and the bill was read and passed the third time. Yeas 32, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Harris, Hill, Holloman, Horton, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Ransom, Seymour, Todd, Troy, Walker, Welch and Worth—32.

*Nays.*—None.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 128 : A bill to be entitled an act to incorporate Athenia Lodge, No. 8.

S. B. No. 93 : A bill to be entitled an act to amend chapter 60, section 16, laws of 1869-'70.

S. B. No. 11 : A bill to be entitled an act fixing the weight of packages containing salted fish, &c.

S. B. No. 41 : A bill to be entitled an act to incorporate Berne Lodge, No. 71, Independent Order of Odd Fellows.

S. B. No. 79 : A bill to incorporate the town of Hickory, in the county of Catawba.

S. B. No. 28 : A bill to be entitled an act to establish a turnpike from the town of Statesville, in Iredell county, to the Virginia line.

S. B. No. 37 : A bill to be entitled an act to amend the charter of the Rabun Gap Short Line Railway.

S. B. No. 112 : A bill to be entitled an act to incorporate the Cross Creek Cemetery Company.



Amendments to S. B. No. 71, H. B. No. 18: A bill to be entitled an act for the relief of citizens of Graham county.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to repeal chapter 165, laws of 1872-'73.

An act for the relief of the sureties of J. L. Hyde, late sheriff of Graham county.

Resolution on the subject of the increase of pay of Senators and Representatives.

On motion, the Senate adjourned.

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## TWENTY-FIRST DAY.

SENATE CHAMBER, Dec. 11th, 1873.

The Journal of yesterday was read.

Mr. Murphy presented a petition for the establishment of the county of Jefferson, which was referred to the Committee on Propositions and Grievances.

Mr. King, in behalf of himself and other Senators, submitted the following protest, which was read and ordered to be spread on the journal:

*To the President of the Senate:*

In the exercise of our constitutional privilege, the undersigned, Republican members of the Senate, enter the following protest against the action of the majority of the Senate in refusing to strike out of the resolutions in relation to the "back pay" of members of the Forty-second Congress, that portion of said resolutions which included in their denunciation the Executive of the United States, for the reason that the President did not, and could not, receive "back pay," since the Consti-

tution of the "United States," article 1, section 7, provides that the salary of the President shall neither be increased nor diminished during his term of office, and for the further reason that the "back pay" of members of Congress was included in the general appropriation bill, and the President could not have vetoed it without stopping the wheels of government in all its various departments. We having failed to accomplish the striking out the aforesaid portion of the resolutions condemnatory of the President, we voted for the resolutions on their final passage, for the reason that we fully approve of the remainder, there having been no act of the Congress passed for many years which, in our opinion, has been so universally condemned by the people. But we respectfully and earnestly protest against that portion of the aforesaid resolution condemning the President of the United States.

R. W. KING,  
E. RANSOM,  
G. D. HOLLOMAN,  
MARTIN WALKER.

December 10, 1873.

Reports from Standing Committees were submitted as follows:

From the Committee on the Judiciary:

By Mr. Todd, S. B. No. 200: A bill to be entitled an act to repeal section 343 of the Code of Civil Procedure, Batttle's Revisal, with a recommendation that it do pass.

S. B. No. 226, H. B. No. 23: A bill to be entitled an act to restore burnt records in the county of Watauga, with a recommendation that it do pass.

By Mr. Grandy, S. B. No. 151: A bill to be entitled an act concerning legal publications, with accompanying amendments.

By Mr. Allen, S. B. 105: A bill to be entitled an act to authorize the board of trustees of Hickory Tavern township to establish a public highway, without recommendation.

From the Committee on Corporations:



By Mr. Welch, S. B. No. 228, H. B. No. 107: A bill to be entitled an act to amend the act of incorporation of Lincolnton, with accompanying amendment.

S. B. No. 235, H. B. No. 144: A bill to be entitled an act to incorporate Gray's Chapel Methodist Protestant Church, in the county of Randolph, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Love, S. R. No. 190, H. R. No. 35: Resolution instructing the Secretary of State to issue a grant to A. W. Bell, of Macon county, with accompanying amendment.

S. B. No. 183, H. B. No. 152: A bill to be entitled an act to extend the time for the collection of railroad taxes in the county of Forsythe, with a recommendation that it do pass.

S. B. No. 222, H. B. No. 128: A bill to be entitled an act to change the time for the meeting of the board of commissioners and county board of education for Carteret county, with a recommendation that it do not pass.

S. B. No. 240, H. B. No. 184: A bill to be entitled an act to incorporate Clayton Lodge, No. 68, of Odd Fellows, in the county of Johnston, with a recommendation that it do pass.

S. B. No. 225, H. B. No. 70: A bill to be entitled an act to prevent persons from carrying torch lights through covered bridges, in the county of Randolph, with a recommendation that it do pass.

S. P. No. 220: Petition concerning the sale of malt and spirituous liquors at Egypt Coalfields, in Chatham county, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

S. B. No. 226, H. B. No. 100: A bill to be entitled an act to establish a toll bridge on the French Broad river, in Buncombe county, with a recommendation that it do pass.

S. B. No. 205: A bill to be entitled an act to authorize the late sheriff, Wm. H. Knight, of Edgecombe county, to collect arrears of taxes, with a recommendation that it do not pass.

S. B. No. 122: A bill to be entitled an act to defray certain

clerical expenses in the office of the Secretary of State, with accompanying amendment in the nature of a substitute, together with the views of a minority of the committee in relation thereto.

By Mr. Avera, S. B. No. 56: A bill to be entitled an act for the better protection of the poor, with accompanying amendments.

From the Joint Select Committee on State Debt:

By Mr. Humphrey, S. B. No. 118: A bill to be entitled an act to provide for the adjustment, liquidation and settlement of the public debt of North Carolina, with a recommendation that it do not pass.

S. B. No. 1: A bill to be entitled an act declaring what portion of the debt of North Carolina is valid, and to pay off the same, with a recommendation that it do not pass.

S. B. No. 242: A bill to be entitled an act concerning the State debt, with a recommendation that it do not pass.

S. B. No. 241: A bill to be entitled an act to adjust the State debt, with an amendment in the nature of a substitute.

A message was received from the House of Representatives, informing the Senate that that body had refused to concur in the amendments adopted by the Senate to S. B. No. 71, H. B. No. 18: A bill to be entitled an act for the relief of citizens of Graham county.

On motion, the Senate recessed from the amendment, and the bill was ordered to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Davis: A bill to be entitled an act to change the time of holding the courts in the First, Second, Third and Sixth Judicial Districts. To the Committee on the Judiciary.

By Mr. Walker: A bill to be entitled an act to regulate the drawing of juries. To the Committee on the Judiciary.

By Mr. Powell: A bill to be entitled an act to amend chapter



189 of the laws of 1870-'71. To the Committee on the Judiciary.

By Mr. Barnhardt: A bill to be entitled an act to authorize the commissioners of Cabarrus county to sell the present jail and for other purposes.

By Mr. Troy: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Friendship Church, in Harnett county. To the Committee on Propositions and Grievances.

By message, from the House of Representatives:

H. B. No. 160: A bill to be entitled an act to incorporate Blue Lodge, No. 287, Free and Accepted Masons. To the Committee on Corporations.

H. B. No. 49: A bill to be entitled an act to incorporate Bethel, in the county of Pitt. To the Committee on Corporations.

H. B. No. 187: A bill to be entitled an act to prohibit the sale of liquors in the town of Trenton, Jones county. To the Committee on Propositions and Grievances.

H. B. No. 177: A bill to be entitled an act to extend the time of the tax collector of McDowell county to settle with the county treasurer. To the Committee on Propositions and Grievances.

H. B. No. 166: A bill to be entitled an act to amend section 1, chapter 70, of the acts of 1870-'71. To the Committee on the Judiciary.

H. B. No. 147: A bill to be entitled an act to incorporate the town of Toisnot, in Wilson county. To the Committee on Corporations.

H. B. No. 149: A bill to be entitled an act to amend the charter of Newbern. To the Committee on Corporations.

H. B. No. 161: A bill to be entitled an act to incorporate the town of Jonesboro', in the county of Moore. To the Committee on Corporations.

By Mr. Murphy: A bill to be entitled an act to amend chap-

ter 104, section 41, Battle's Revisal. To the Committee on the Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Murphy: Resolution appointing J. Turner Morehead, of Rockingham county, a member of the Board of Public Charities. Laid over under the rules.

Bill and resolutions were acted on under a suspension of the rules, as follows:

S. B. No. 27: A bill to be entitled an act to prevent whipping in the State's prison and jails. Taken from the table and referred to the Committee on the Judiciary.

S. R. No. 219: Resolution of instruction to the public printer for 1873-'74. The resolution was read.

Mr. Cramer offered an amendment in the nature of a substitute.

Mr. Gudger moved to amend the amendment by adding thereto the words, "Report of the Fraud Commission."

Mr. Cunningham moved that the resolution lie on the table. The motion to lay on the table prevailed.

S. B. No. 172: A bill to amend an act to change the dividing line between the counties of Granville and Franklin. Read and passed the second and third times. Yeas 31, nays 1.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Holloman, Horton, Johnston, Long, Love, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Orwood, Powell, Ransom, Scott, Todd, Troy and Worth—31.

*Nays.*—Mr. Smith—1.

Mr. Davis moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

S. B. No. 125: A bill to be entitled an act to amend an act, ratified December, 1865, amending the charter for building a



bridge across Pasquotank river, and for other purposes. Read and passed the second and third times. Yeas 35, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Holloman, Horton, Johnston, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—35.

*Nays.*—None.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 72: A bill to be entitled an act to incorporate the Oriental Fish and Oyster Company.

The bill was read the second time.

The amendment proposed by the Judiciary Committee prevailed, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 31, nays 7.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Horton, Humphrey, McCabe, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—31.

*Nays.*—Messrs. Chamberlain, Grandy, Holloman, Johnston, Long, McCotter and Ransom—7.

The bill was ordered to be forthwith engrossed, and transmitted to the House of Representatives for concurrence.

S. B. No. 43, H. B. No. 38: A bill to be entitled an act to amend chapter 121, section 13, Battle's Revisal. Read and passed the second and third times. Yeas 33, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Holloman, Horton, Johnston, King, Long, Love, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of

Rockingham, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker and Worth—33.

*Nays.*—None.

S. B. No. 106: A bill to be entitled an act to amend section 16, chapter 1, title 4, Code of Civil Procedure, Battle's Revisal. Made the special order for Wednesday, the 17th instant, at 12 M.

S. B. No. 241: A bill to be entitled an act to adjust the State debt. Made the special order for to-morrow, at 12:30 P. M.

S. B. No. 1: A bill to be entitled an act to declare what portion of the debt of North Carolina is valid, and to pay off the same. Made the special order for Saturday, the 13th instant, at 12:30 P. M.

S. B. No. 157: A bill to be entitled an act to amend section 13, chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal. The bill was read the second time.

Mr. Grandy moved to amend by adding the following to section 1:

“To the Judges of the United States for the District and Circuit Courts of North Carolina, one copy each.”

The amendment prevailed.

Mr. Avera moved to amend by inserting the words “the principal doorkeepers,” after the word “clerks,” in line 3.

The amendment prevailed.

Mr. Troy moved to amend by striking out the words “and penal.”

The yeas and nays were ordered on demand, and the amendment prevailed. Yeas 23, nays 7.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Horton, Humphrey, Johnston, Long, McCabe, McCanley, Miller, Nicholson, Powell, Scott, Stafford, Troy, Walker, Welch and Worth—23.



*Nays.*—Messrs. Cowles, Cramer, King, Love, Ransom, Seymour and Todd—7.

Mr. Ellis, of Columbus, moved to amend by striking out the words "charitable institutions."

The amendment prevailed.

Mr. Welch moved to amend by adding the following to section 1 :

"And the copies allowed to clerks of courts, sheriffs, solicitors and justices of the peace, register of deeds, county commissioners and other county officers, shall be turned over to their successors in office."

The amendment prevailed.

Mr. Love moved that the bill be so amended as to give a copy of Battle's Revisal to each coroner and surveyor in the State.

The amendment did not prevail, and the bill passed the second time.

The bill was then read the third time and referred to the Committee on the Judiciary.

The following named bills, resolutions and amendments, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 21 : A bill to be entitled an act to prevent fraud in the sale of commercial manures.

S. B. No. 115 : A bill to be entitled an act to authorize the appointment of commissioners to provide ways and means to aid the Carolina Central Railway Company, or any other company, in extending a railroad from or near Lincolnton, North Carolina, to Hickory, in Catawba county.

The following named bills and resolutions, reported as correctly enrolled by the the Committee on Enrolled Bills, were duly ratified and transmitted to the Office of the Secretary of State :

An act concerning Sharon Camp Ground, in Cleaveland county, and to incorporate a board of trustees therefor.

An act concerning Clover Hill Camp Ground in Cleaveland county, and to incorporate a board of trustees thereof.

An act to incorporate the North Carolina Immigration Society.

An act to amend an act entitled an act to incorporate the trustees of Davidson College.

Resolution in relation to the United States Court House and Post Office, to be built in Raleigh, North Carolina.

On motion, the Senate adjourned.

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## TWENTY-SECOND DAY.

SENATE CHAMBER, Dec. 12th, 1873.

The Journal of yesterday was read.

Mr. Long presented petitions praying for the prohibition of the sale of spirituous liquors in certain localities, which were referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Messrs. Grandy and Chamberlain for five days, to Mr. Flemming for Tuesday, Wednesday and Thursday of this week; to Mr. Hyman for two days; to Mr. Nicholson for to-morrow, and to Mr. Allen until Tuesday next.

A message was sent to the House of Representatives informing that body that the Senate had receded from its amendment to S. B. No. 71, H. B. No. 18: A bill to be entitled an act for the relief of citizens of Graham county, and had ordered the bill to be enrolled for ratification.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills,



were transmitted to the House of Representatives for concurrence :

S. B. No. 72 : A bill to be entitled an act to incorporate the Oriental Fish and Oyster Company.

S. B. No. 36 : A bill to be entitled an act concerning incorporated towns and villages

S. B. No. 125 : A bill to be entitled an act to amend an act ratified December, 1865, amending the charter for building a bridge across Pasquotank river, and for other purposes.

S. B. No. 172 : A bill to be entitled an act to amend an act to change the dividing line between the counties of Granville and Franklin.

Amendments to S. B. No. 145, H. B. No. 11 : A bill to be entitled an act to amend and consolidate the various acts heretofore passed incorporating the town of Lumberton, in Robeson county.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of Secretary of State :

An act to amend an act entitled an act to incorporate the Wilmington and Seaside Railroad Company, ratified the 12th of April, 1869.

Reports from Standing Committees were submitted as follows :

From the Committee on Propositions and Grievances :

By Mr. Avera, S. B. No. 103 : A bill to be entitled an act to amend chapter 38, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Love, S. B. No. 245, H. B. No. 177 : A bill to be entitled an act to extend the time of the tax collector of McDowell county to settle with the county treasurer, with a recommendation that it do not pass.

S. B. No. 192, H. B. No. 105 : A bill to be entitled an act to incorporate Montmorency Church, in Buncombe county, with a recommendation that it do pass.

S. B. No. 210, H. B. No. 27 : A bill to be entitled an act for

the benefit of the farmers in Cashie Neck, Bertie county, with a recommendation that it do pass.

S. B. No. 233: A bill to be entitled an act to amend an act to prevent infectious diseases among cattle, with accompanying amendments.

S. B. No. 185: A bill to lay off and establish a new county by the name of Jefferson, with a recommendation that it do pass.

From the Committee on Corporations:

By Mr. Welch, S. B. No. 259, H. B. No. 160: A bill to be entitled an act to incorporate Blue Lodge, No. 287, Free and Accepted Masons, with a recommendation that it do pass.

S. B. No. 250, H. B. No. 161: A bill to be entitled an act to incorporate the town of Jonesboro', in the county of Moore, with a recommendation that it do pass.

S. B. No. 248, H. B. No. 147: A bill to be entitled an act to incorporate the town of Toisnot, in Wilson county, with a recommendation that it do pass.

S. B. No. 221: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 244, H. B. No. 49: A bill to be entitled an act to incorporate Bethel, in the county of Pitt, with a recommendation that it do pass.

By Mr. Price, S. B. No. 218: A bill to be entitled an act to incorporate the Peoples' Bank of Monroe, with accompanying amendments.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham, S. B. No. 211, H. B. No. 186: A bill to be entitled an act to authorize the Dan River Coalfield Railroad to buy the Atlantic, Tennessee and Ohio Railroad, with a recommendation that it do pass.

S. B. No. 255: A bill to be entitled an act to amend chapter 189, of the laws of 1870-'71, with a recommendation that it do not pass.

From the Committee on Banks and Currency:



By Mr. Humphrey, S. B. No. 19: A bill to be entitled an act supplemental to and explanatory of all acts of incorporation, passed by the present General Assembly, with accompanying amendments.

From the Committee on Library:

By Mr. Flemming, S. R. No. 148: Resolution in relation to the Public Library, with a recommendation that it do pass.

From the Committee on the Judiciary:

By Mr. Morehead, of Guilford, S. B. No. 209: A bill to be entitled an act to cure defects of jurisdiction in certain cases, with an amendment in the nature of a substitute.

S. B. No. 201: A bill to be entitled an act providing for the service of civil process against infants and persons of non-sane mind to regulate the appointment of guardians *ad litem*, and for other purposes, in regard to infants and non-sane persons, with a recommendation that it do not pass.

S. B. No. 223, H. B. No. 120: A bill to be entitled an act to amend section 55, title 5, of the Code of Civil Procedure with a recommendation that it do not pass.

S. B. No. 160, H. B. No. 66: A bill to be entitled an act to repeal such parts of sections 13 and 17, chapter 20, acts of the special session of 1868, as require the statements provided in said section to be published in newspapers, with accompanying amendments.

By Mr. Price, S. B. No. 238, H. B. No. 134: A bill to be entitled an act to repeal chapter 69, laws of 1870-'71, with a recommendation that it do pass.

S. B. No. 231: A bill to be entitled an act to make seduction a misdemeanor, with a recommendation that it do not pass.

S. B. No. 166, H. B. No. 92: A bill to be entitled an act to amend chapter 134, laws of 1872-'73, entitled an act to authorize the commissioners of Wilkes county to issue bonds, with a recommendation that it do pass.

A message was received from the House of Representatives,

transmitting a petition from citizens of Jones county concerning the school law.

On motion, the petition was referred to the Committee on Education.

A message was received from the House of Representatives, informing the Senate that that body had concurred in the amendments adopted by the Senate to S. B. No. 145, H. B. No. 11: A bill to be entitled an act to amend and consolidate the various acts heretofore passed incorporating the town of Lumberton, in Robeson county, and had ordered the same to be enrolled for ratification.

A message was received from the House of Representatives, informing the Senate that that body had passed the following resolution. H. B. No. 75:

*Resolved, by the House of Representatives, the Senate concurring, That the General Assembly will adjourn sine die on Wednesday, the 24th of December, at the hour of 12 M.*

The yeas and nays were ordered, on demand, and the Senate concurred in the resolution. Yeas 40, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Johnston, King, Long, Love, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—40.

*Nays.*—None.

Mr. King moved to reconsider the vote just had, and to lay that motion on the table.

The motion to lay on the table prevailed.

The following named bills were introduced, read and passed the first time, and were referred, or otherwise disposed of, as follows:

By Mr. Humphrey: A bill to be entitled an act to make:



uniform the rate of interest in North Carolina. Placed on the Calendar.

By Mr. Love: A bill to be entitled an act to incorporate the Raleigh Warehouse and Trust Company. To the Committee on Corporations.

By Mr. Waring: A bill to be entitled an act to amend chapter 102 of Battle's Revisal, entitled Revenue. To the Committee on the Judiciary.

By Mr. Eppes: A bill to be entitled an act to prohibit the sale of liquor within one mile of St. Clement's Chapel, Ringwood, Halifax county. To the Committee on Propositions and Grievances.

By Mr. Harris: A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank, of Raleigh. To the Committee on Corporations.

By Mr. Ransom: A bill to be entitled an act to repeal sections 1 and 4, chapter 179, public laws of 1870-'71. To the Committee on Internal Improvements.

By Mr. Troy: A bill to be entitled an act to prevent the sale of spirituous liquor within two miles of Granite Cotton Factory and Mills. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 57: A bill to be entitled an act concerning the ferries and causeway from the city of Wilmington to Brunswick county. To the Committee on Propositions and Grievances.

Bills and resolutions were acted on under a suspension of the rules as follows:

S. B. No. 209: A bill to be entitled an act to cure defects of jurisdiction in certain cases. The bill was read the second time, the amendment proposed by the Committee on the Judiciary prevailed, and the bill passed the second time. The bill was then read and passed the third time. Yeas 37, nays 1.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Johnston, King, Long, Love, McCabe,



McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays.*—Mr. Cowles—1.

S. B. No. 213, H. B. No. 101: A bill to be entitled an act for the relief of the sheriff of Rowan county. Read and passed the second and third times. Yeas 36, nays 1.

*Yeas.*—Messrs. Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murray, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—36.

*Nays.*—Mr. Troy—1.

S. R. No. 176: Joint resolution appropriating \$1,200 to reimburse those citizens who advanced this amount to defray the expenses of the State's exhibition at the Grand Exposition at Vienna.

The resolution was read the second time.

Mr. Norwood moved to amend by inserting the words "seventy-seven" before, and the words "sixty-five cents" after the word "dollars," wherever the same occurred.

The amendment prevailed, and the resolution passed the second time.

The resolution was then read and passed the third time. Yeas 25, nays 14.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Eppes, Flemming, Harris, Hill, Long, McCabe, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Price, Scott, Seymour, Smith, Todd, Troy, Walker, Waring and Worth—25.

*Nays.*—Messrs. Cowles, Ellis of Catawba, Ellis of Columbus, Gudger, Holloman, Horton, Johnston, King, Love, McCauley, McCotter, Nicholson, Powell and Welch—14.



S. B. No. 261 : A bill to be entitled an act to make uniform the rate of interest in North Carolina.

Made special order for the 17th instant at 12 M., and ordered to be printed.

S. B. No. 131 : A bill to be entitled an act regulating the times for holding the Superior Courts in the Fourth Judicial District and for other purposes. Read and passed the second time.

The bill was then read the third time, and recommitted to the Committee on the Judiciary.

At 12½ P. M., the Senate proceeded to consider S. B. No. 241 : A bill to be entitled an act to adjust the public debt, it being the special order for that hour.

The bill was read the second time.

The amendment, in the nature of a substitute, proposed by the Committee on the State Debt, prevailed.

Mr. Troy moved to reconsider the vote by which the amendment, proposed by the committee, was adopted.

The motion prevailed.

Mr. Troy moved to amend by inserting the following as a new section :

“Sec. 9. That the Public Treasurer be, and he is hereby, authorized and directed to omit from his future annual reports any and all bonds or other evidences of indebtedness not herein enumerated.”

Mr. Norwood gave notice of the following amendment which was read for information : Striking out all after the words “ the General Assembly of North Carolina do,” and inserting the following :

“ *Resolved*, That in consequence of the results of the late war, and the legislation of both the General and State Government which succeeded it, the people of North Carolina have

been deprived of all ability at the present time to pay any part of their State debt.

“That to support and maintain the administration of the State Government in all its divisions and departments, as the Constitution provides. To educate the children of the State. To support the poor. To take care of the idiots and insane, the deaf and dumb and the blind, and the destitute orphans, and also to provide and maintain suitable prisons for convicts, imposes upon us a higher obligation and necessity than even the high and solemn obligation of paying an honest debt, especially when that debt was contracted under circumstances now so changed, and its payment depending upon means so completely swept away, and by causes which we as a State had no power to prevent or control.

“That we submit it to the enlightened consideration of Congress, if the General Government, under all the circumstances, would not act wisely, by assuming the payment of so much of our State debt, as in justice and equity ought to be paid.”

Mr. Love gave notice of the following amendment: Striking out the words “the rate of six per cent per annum,” in section 1, line 2, and inserting in lieu thereof the words “such rates as are herein prescribed.” Insert the following as a new section to come in as section 2:

“The interest payable in 1875 and in 1876, shall be at the rate of one per cent per annum; in 1877, 1878 and 1879 at the rate of two per cent; in 1880, 1881 and 1882 at the rate of three per cent per annum; in 1883 and 1884 at the rate of four per cent per annum; in 1885 at the rate of six per cent per annum; in 1886 at the rate of seven per cent per annum; in 1887 at the rate of eight per cent per annum; in 1888 and 1889 at the rate of nine per cent per annum; in 1890 the rate of ten per cent per annum; in 1891 and 1892 at the rate of eleven per cent per annum, and in 1893 and 1894 at the rate of twelve per cent per annum, and in all subsequent years until



the maturity of the bonds issued under this act, the interest shall be at the rate of six per cent per annum."

On motion, the further consideration of the bill was postponed, and made special order for Monday the 15th instant, at 12 M., and the amendments offered by Mr. Troy, and those of which notice was given by Messrs. Norwood and Love, were ordered to be printed.

Mr. Allen, by consent, reported from the Committee on the Judiciary, S. B. No. 131: A bill to be entitled an act to regulate the times for holding the courts in the Fourth Judicial District, and for other purposes, with a recommendation that the bill be amended by striking out the word "January," and inserting in its stead the word "July" in the enacting clause.

On motion, the rules were suspended, and the Senate proceeded to consider the bill.

The question recurring on the amendment proposed by the Committee on the Judiciary, it prevailed.

The question then recurring on its passage, the bill passed the third time. Yeas 28, nays 8.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—28.

*Nays*.—Messrs. Holloman, Johnston, King, Long, McCabe, Ransom, Seymour and Troy—8.

Mr. Harris moved that when the Senate adjourns it will adjourn until to-morrow at 11 A. M.

Mr. Love moved that the Senate do now adjourn. The motion to adjourn did not prevail.

Mr. Harris moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the motion offered by Mr.

Harris, the yeas and nays were ordered on demand of Mr. Love, and the motion did not prevail. Yeas 15, nays 20.

*Yeas.*—Messrs. Cramer, Davis, Eppes, Flemming, Harris, Hill, Holloman, Horton, Long, McCabe, Morehead of Guilford Murray, Powell, Smith and Waring—15.

*Nays.*—Messrs. Avera, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, King, Love, McCauley, Murphy, Nicholson, Norwood, Ransom, Scott, Stafford, Todd, Troy, Walker, Welch and Worth—20.

A message was received from the House of Representatives, informing the Senate that that body had passed S. R. No. 19, H. R. No. 55: Resolution in favor of Hon. J. L. Henry, with certain amendments.

The question recurring on concurring in the amendments adopted by the House, Mr. King moved that the Senate do now adjourn. The motion did not prevail.

Mr. Harris moved that the Senate take a recess until 7½ P. M. to-day. The motion to take a recess prevailed.

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#### EVENING SESSION.

SENATE CHAMBER, Dec. 12th, 1873.

Mr. Welch moved that the private calendar be taken up, that the rules requiring the yeas and nays to be taken on the third reading be suspended for to-night, and that the bills be put upon their several readings.

The motion prevailed.

Bills and resolutions were acted on as follows:

S. R. No. 190, H. R. No. 35: Resolution instructing the Secretary of State to issue a grant of land to A. W. Bell, of Macon county. The resolution was read the second time.

The amendment proposed by the Committee on Propositions



and Grievances prevailed, and the resolution passed the second time.

The resolution was then read and passed the third time.

S. R. No. 63: Resolution in favor of J. H. Enniss. Read and passed the second and third times.

S. B. No. 70, H. B. No. 17: A bill to be entitled an act authorizing and empowering the Commissioners of the city of Raleigh to appoint an inspector of wood and coal. The bill was read the second time.

The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

S. R. No. 67, H. R. No. 14: Resolution in favor of J. H. Enniss, Agent. Read and passed the second and third times.

S. R. No. 88, H. R. No. 10: Resolution in favor of W. H. Morriss & Co. Read and passed the second and third times.

S. R. No. 89, H. R. No. 31: Resolution in favor of J. H. Enniss. Read and passed the second and third times.

S. B. No. 105: A bill to be entitled an act to authorize the Board of Trustees for Hickory Tavern township to establish public highways, and for other purposes. Read and passed the second and third times.

S. R. No. 135, H. R. No. 17: Resolution in favor of D. D. Ferebee, Jr., Sheriff of Camden county. Read the second time and laid on the table.

S. R. No. 136, H. R. No. 26: Resolution in favor of Birch McHan. Read and passed the second and third times.

S. B. No. 119: A bill to incorporate the Adkin, New and Watauga Timber and Lumber and Raft Company.

The bill was read the second time.

The amendment proposed by the Committee on Internal Improvements prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

S. B. No. 179: A bill to be entitled an act to amend the charter of the Fair of the Carolinas, at Charlotte.

The bill was read the second time.

The amendment proposed by the Committee on Agriculture, Mechanics and Mining prevailed.

Mr. Humphrey moved to amend by striking out the word "ten" and inserting in its stead the word "eight" in line 7, section 3.

The amendment prevailed, and the bill passed the second time.

The bill was read the third time.

Mr. Troy moved to amend by striking out the word "State" in line 17, section 3.

The amendment prevailed.

Mr. Seymour moved to amend by striking out the words, "said bonds shall be exempt from taxation by county or municipal authority."

The amendment prevailed, and the bill passed the third time.

S. B. No. 143, H. B. No. 33: A bill to be entitled an act to require the treasurer of Cherokee county to turn over to the treasurer of Graham county certain bonds, and for other purposes. Read and passed the second and third times.

S. B. No. 120: A bill to be entitled an act to amend chapter 130, private laws of 1848-'49, and for other purposes.

The bill was read the second time.

The amendment proposed by the Committee on the Judiciary prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

S. B. No. 156, H. B. No. 1: A bill to be entitled an act to authorize the construction of a toll bridge across the Catawba river, near the Western North Carolina railroad bridge. Read and passed the second and third times.

S. B. No. 171: A bill to be entitled an act to authorize the commissioners of the county of Washington to remove the county seat. Read and passed the second and third times. Yeas 23, nays 8.

*Yeas.*—Messrs. Cowles, Cunningham, Ellis of Catawba, Ellis



of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Humphrey, Johnston, Long, McCauley, Murphy, Murray, Nicholson, Powell, Ransom, Seymour, Stafford, Walker, Waring and Worth—23.

*Nays.*—Messrs. Avera, Barnhardt, King, Love, Morehead of Guilford, Morehead of Rockingham, Todd and Welch—8.

S. B. No. 193, H. B. No. 105 : A bill to be entitled an act to incorporate the Weaversville College, in Buncombe county. Read and passed the second and third times.

S. B. No. 194, H. B. No. 104 : A bill to be entitled an act to incorporate the Baptist Church of Hominy, in Buncombe county. Read and passed the second and third times.

S. B. No. 195, H. B. No. 116 : A bill to be entitled an act to amend the charter of the town of Beaufort. Read and passed the second time. Read the third time and laid on the table.

Mr. Scott moved that the bill be taken from the table. The motion to take from the table prevailed.

The question recurring on the passage of the bill on its third reading Mr. King moved to amend by adding the following to section 1 :

“ *Provided*, That this act shall have no force and effect unless approved by the majority of the votes of the town of Beaufort, to be submitted to the people by the commissioners of said town.”

The amendment did not prevail, and the bill passed the third time.

On motion, the Senate adjourned.

## TWENTY-THIRD DAY.

SENATE CHAMBER, Dec. 13th, 1873.

The Journal of yesterday was read.

Leave of absence was granted to Mr. Miller for four days including yesterday, and to the Principal Doorkeeper for Monday next.

Reports from Standing Committees were submitted as follows:

From the Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 149: A bill to be entitled an act to provide for removing and making the dividing line between the States of North Carolina and Tennessee, with a recommendation that it do not pass.

S. B. No. 109: A bill to be entitled an act relative to the fees of justices of the peace, with a recommendation that it do not pass.

S. B. No. 237, H. B. No. 141: A bill to be entitled an act for the benefit of Stanly county and others, with a recommendation that it do pass.

S. B. No. 132: A bill to be entitled an act to amend the charter of the town of Concord, in Cabarrus county, with accompanying amendments.

Mr. Love also made a report from the Committee on Propositions and Grievances, on the following named petitions, recommending that bills be introduced granting the prayers of said petitions:

S. P. No. 274: Petition prohibiting the sale of intoxicating liquors within three miles of Nebo Church, Richmond county.

S. P. No. 273: Petition of James Wagg and others for prohibitory law for the town of Jefferson.

S. P. No. 275: Petition prohibiting the sale of intoxicating liquors within three miles of St. John's Church, Richmond county.



From the Committee on the Insane Asylum :

By Mr. Ellis, of Columbus, S. B. No. 180 : A bill to be entitled an act in relation to the Insane, with a recommendation that it do not pass.

S. B. No. 110 : A bill to be entitled an act to establish a branch asylum for the insane in the State of North Carolina, with a recommendation that it do not pass.

From the Committee on the Judiciary :

By Mr. Flemming, S. B. No. 30 : A bill to be entitled an act to amend section 13, chapter 27, Battle's Revisal, with a recommendation that it do pass.

By Mr. Seymour, S. B. No. 68, H. B. No. 13 : A bill to be entitled an act to prevent the felling of trees in Richland Creek, in the county of Guilford, and for other purposes, with a recommendation that it do not pass.

From the Committee on Corporations :

By Mr. Gudger, S. B. No. 268 : A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank, with accompanying amendments.

By Mr. Morehead, of Rockingham, S. B. No. 263 : A bill to be entitled an act to incorporate the Raleigh Warehouse and Trust Company, with a recommendation that it do pass.

S. B. No. 249, H. B. No. 149 : A bill to be entitled an act to amend the charter of Newbern, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Price : A bill to be entitled an act concerning elections of certain officers. To the Committee on Privileges and Elections.

By Mr. Johnston : A bill to be entitled an act to restore the records of Washington county. To the Committee on the Judiciary.

By Mr. Hill : A bill to be entitled an act to incorporate the Pythagoras Lodge, No. 6, Ancient York Masons of the town

of Smithville, Brunswick county. To the Committee on Corporations.

By Mr. Murphy: A bill to be entitled an act to amend (an act,) chapter 182, public laws of 1872-'73. To the Committee on Insurance.

By message from the House of Representatives, H. B. No. 163: A bill to be entitled an act to amend chapter 90, laws of 1872-'73. To the Committee on the Judiciary.

H. B. No. 146: A bill to be entitled an act to incorporate the town of Jonesville, in Yadkin county. Placed on the Calendar.

H. B. No. 122: A bill to be entitled an act to repeal parts of chapter 250, laws of 1868-'69. To the Committee on the Judiciary.

H. B. No. 111: A bill to be entitled an act to provide for the relinquishment to the United States in certain cases of title to and jurisdiction over lands for sites of light houses, beacons or other aids to navigation, in the waters of this State. To the Committee on the Judiciary.

H. B. No. 206: A bill to be entitled an act to incorporate the town of Pine Level, in the county of Johnston. To the Committee on Corporations.

H. B. No. 222: A bill to be entitled an act to incorporate the trustees of the Fairfield Academy, in the county of Hyde. To the Committee on Corporations.

By Mr. Flemming: A bill to be entitled an act to empower the board of commissioners of Burke county to levy a special tax. To the Committee on Propositions and Grievances.

Mr. Troy introduced the following resolution, which was read and adopted:

*Resolved by the Senate, That a message be sent to the Treasurer requesting him to furnish the Senate with a detailed statement of all moneys collected by justices of the peace as fines in criminal cases, and paid into the educational fund by*



the various clerks of the courts of this State, also all fines imposed and collected by the Superior Courts.”

Mr. Price moved to reconsider the vote by which S. B. No. 131: A bill to be entitled an act to regulate the time for holding the courts in the Fourth Judicial District, and for other purposes, passed its third reading, and to postpone the consideration of that motion until Thursday next.

Mr. Scott moved that the motion to reconsider be laid upon the table.

The yeas and nays were ordered on demand of Mr. Price, and the motion to lay on the table prevailed. Yeas 21, nays 11.

*Yeas.*—Messrs. Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Humphrey, King, Love, McCotter, Merrimon, Murphy, Murray, Norwood, Powell, Ransom, Scott, Stafford, Todd, Waring and Worth—21.

*Nays.*—Messrs. Avera, Barnhardt, Gudger, Harris, Hill, McCabe, Morehead of Guilford, Morehead of Rockingham, Price, Troy and Walker—11.

At 12 M. the Senate proceeded to consider the special order for that hour, to wit, S. B. No. 55: A bill to be entitled an act to authorize public schools in cities and towns of more than two thousand inhabitants, on its second reading.

The bill was read.

Mr. Cowles moved to amend by adding the following to section 2:

“In levying tax under the authority of this act, the equation between polls and property, provided for in the Constitution, shall be preserved.”

The amendment did not prevail.

Mr. Morehead, of Guilford, moved to amend by inserting after the words “limits thereof” in line 11, section 1, the following:

“*Provided*, That non-residents who owned real estate of the assessed value of \$300, within the corporate limits of any such city or town, are electors for the purposes of this act.”

The yeas and nays were ordered on demand of Mr. Avera, and the amendment did not prevail. Yeas 16, nays 22.

*Yeas*.—Messrs. Avera, Barnhardt, Cowles, Ellis of Catawba, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Powell, Price, Scott, Stafford, Waring and Worth -16.

*Nays*.—Messrs. Cramer, Cunningham, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Johnston, King, Long, McCabe, McCotter, Murphy, Norwood, Ransom, Seymour, Smith, Todd, Troy, Walker, and Welch—22.

Mr. Troy moved to reconsider the vote just had, the motion to reconsider did not prevail.

Mr. Avera moved to amend section 1, by striking out the word “twenty” in line 5, and inserting the word “fifty” in lieu thereof, and by inserting the words “who shall pay an average *pro rata* tax assessed for the support of schools,” after the word “voters” in line 6. The amendment did not prevail.

Mr. Morehead, of Rockingham, moved to amend by inserting after the word “taxes” in line 10, section 2, the following :

“*Provided*, That in no case shall the tax levied under the provisions of this act amount to more than one-fourth of one per cent upon the assessed value of real and personal property.”

Mr. Troy moved to amend section 5, by inserting after the word “town” in line 3, the words “provided for in this act,” and to amend section 1, by striking out the words “may be” in line 14, and inserting the word “now” in lieu thereof.

Mr. Seymour moved the previous question, and the Senate ordered the main question to be put.



The question recurring on the amendment offered by Mr. Morehead, of Rockingham, it prevailed.

The question then recurring on the amendment offered by Mr. Troy, it prevailed.

By consent, Mr. Ellis, of Catawba, moved to amend by inserting after the word "voters" in line 5, section 1, the words, "who are property holders, three hundred dollars in value or more."

The amendment prevailed, and the bill passed the second time. Yeas 25, nays 11.

*Yeas.*—Messrs. Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Horton, Long, McCabe, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith and Walker—25.

*Nays.*—Messrs. Avera, Barnhardt, Gudger, Love, McCauley, Price, Todd, Troy, Waring, Welch and Worth—11.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend chapter 121, section 13, of Battle's Revisal.

An act in relation to the special term of Wayne Superior Court to be held the 1st Monday in January, 1874.

An act to amend and consolidate the various acts heretofore passed to incorporate the town of Lumberton.

An act for the relief of citizens of Graham county.

Resolution authorizing the Auditor to issue a duplicate warrant for \$184 to the treasurer of Swain county.

Joint resolution concerning the Federal tax on cotton.

On motion the Senate adjourned.

## TWENTY-FOURTH DAY.

SENATE CHAMBER, Dec. 15th, 1873.

Prayer by Rev. Dr. J. M. Atkinson.

The journal of yesterday was read.

The following petitions were presented and referred to the Committee on Propositions and Grievances :

By Mr. Murphy : Petition of citizens of Sampson county.

By Mr. Price : Petition of citizens of Mocksville, Davie county, in relation to the sale of spirituous liquors.

By Mr. Flemming : Petition against the repeal of the act forbidding the sale of spirituous liquors in the town of Shelby.

By Mr. Miller : Petition from citizens of Shelby, praying for the repeal of the act forbidding the sale of spirituous liquor in said town.

Reports from standing committees were submitted, as follows :

From the Committee on the Judiciary :

By Mr. Flemming, S. B. No. 3 : A bill to be entitled an act to amend sections 13 and 14, chapter 156, laws of 1868-'69, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Todd, S. B. No. 227, H. B. No. 69 : A bill to be entitled an act to amend chapter 162, section 27, laws of 1868-'69, with a recommendation that it do not pass.

S. B. No. 6 : A bill to be entitled an act in relation to special terms of the Superior Court, with accompanying amendments.

S. B. No. 157, H. B. No. 61 : A bill to be entitled an act to amend section 13, chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal, with an amendment in the nature of a substitute.

By Mr. Gudger, S. B. No. 247, H. B. No. 166 : A bill to be entitled an act to amend section 1, chapter 70, of the acts of 1870-'71, with a recommendation that it do pass.



S. B. No. 264: A bill to be entitled an act to amend chapter 102 of Battle's Revisal, entitled Revenue, with a recommendation that it be referred to the Committee on Finance.

The bill was so referred.

By Mr. Scott, S. B. No. 10: A bill to be entitled an act to amend section 13, of chapter 64, of Battle's Revisal, entitled Landlords and Tenants, with a recommendation that it do not pass.

By Mr. Morehead, of Guilford, S. B. No. 254: A bill to be entitled an act to regulate the drawing of juries, with a recommendation that it do not pass.

S. B. No. 27: A bill to be entitled an act to prevent whipping in the State prison and jails, with a recommendation that it do not pass.

From the Committee on Corporations.

By Mr. Welch, S. B. No. 279: A bill to be entitled an act to incorporate the Pythagoras Lodge, No. 6, Ancient York Masons, of the town of Smithville, in Buncombe county, with a recommendation that it do pass.

S. B. No. 282, H. B. No. 206: A bill to be entitled an act to incorporate the town of Pine Level, in the county of Johnston, with a recommendation that it do pass.

S. B. No. 281, H. B. No. 222: A bill to be entitled an act to incorporate the trustees of the Fairfield Academy, in the county of Hyde, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 256: A bill to be entitled an act to authorize the commissioners of Cabarrus county to sell the present jail and for other purposes, with accompanying amendment.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 79, H. B. No. 283: A bill to be entitled an act to incorporate the town of Hickory, in the county of Catawba, with an amendment.

The Senate concurred in the amendment adopted by the

House of Representatives, and the bill was ordered to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Waring: A bill to be entitled an act in relation to court houses and jails. To the Committee on Public Buildings and Grounds.

A bill to be entitled an act for the protection of sheep. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Murphy: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson. To the Committee on Propositions and Grievances.

By Mr. Gudger: A bill to be entitled an act to repeal an act to change the dividing line between the counties of Yancey and Madison. To the Committee on Propositions and Grievances.

By Mr. Nicholson: A bill to be entitled an act to amend chapter 136, of the laws of 1871-'72, in reference to the Probate Courts of this State. To the Committee on the Judiciary.

By Mr. Gudger: A bill to be entitled an act to extend the time for taking out grants from the State. To the Committee on the Judiciary.

By Mr. Price: A bill to be entitled an act to lay off and establish a public road in the counties of Davidson and Davie, and to establish a public ferry across the Yadkin river. To the Committee on Propositions and Grievances.

By Mr. Morehead, of Guilford: A bill to be entitled an act to amend the revenue act. To the Committee on Finance.

A bill to be entitled an act to promote immigration, and encourage the building of manufactories. To the Committee on Finance.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Flemming: Resolution authorizing and directing the



Governor in certain matters connected with the Western North Carolina Railroad Company. Laid over under the rules.

Resolution in relation to sheriffs. Laid over under the rules.

By Mr. Harris: Resolution concerning the public printing. Laid over under the rules.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 218: A bill to be entitled an act to incorporate the People's Bank of Monroe.

The bill was read the second time, the amendments proposed by the Committee on Corporations prevailed, and the bill passed the second time.

The bill was then read and passed the third time. Yeas 38, nays 1.

*Yeas.*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Holloman, Horton, Hyman, Johnston, King, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Nays.*—Mr. Humphrey—1.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. —: A bill to be entitled an act to adjust the public debt. Made the special order for 12 M. to-morrow.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit, S. B. No. 261: A bill to be entitled an act to make uniform the rate of interest in North Carolina.

The bill was read the second time.

Mr. Cunningham moved to amend by striking out in section 1, after the word "State," in line 9, the words "and also authorizing the same to pay interest on deposits."

Mr. Troy moved to amend by adding to section 1 the words "and said corporations shall be entitled to the same privileges

and subject to the same restrictions as to interest on deposits as may be imposed on National Banks by Congress."

Mr. Waring moved that the further consideration of the bill be postponed and made the special order for 1:15 P. M. tomorrow.

The motion to postpone and make the special order did not prevail.

The question recurring on the amendment offered by Mr. Troy, it prevailed.

The question then recurring on the amendment offered by Mr. Cunningham, it prevailed.

Mr. Morehead, of Guilford, moved an amendment, in the nature of a substitute.

Mr. Troy moved to amend by adding the following proviso to section 1 of the substitute :

*“ Provided, This act shall not be construed to include building and loan associations in the redemption of their own stock.”*

Mr. Norwood moved to amend by inserting in the substitute a new section to read as follows :

“ SEC. —. The provisions of this act shall not be construed to apply to any existing contract.”

Mr. Seymour moved the previous question, and the Senate ordered the main question to be put.

The question first recurring on the amendment offered by Mr. Troy, it did not prevail.

The question next recurring on the amendment offered by Mr. Norwood, it prevailed.

The question then recurring on the amendment in the nature of a substitute offered by Mr. Morehead, of Guilford, it did not prevail.



The question then recurring on its passage, the bill passed the second time.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to S. B. No. 70, H. B. No. 17: A bill to be entitled an act authorizing and empowering the commissioners of Raleigh to appoint an inspector of wood and coal.

Amendments to S. R. No. 190, H. R. No. 35: Resolution instructing the Secretary of State to issue a grant to A. W. Bell, of Macon county.

S. B. No. 119: A bill to be entitled an act to incorporate the Yadkin New and Watauga Timber and Lumber and Raft Company.

S. B. No. 179: A bill to be entitled an act to amend the charter of the Fair of the Carolinas at Charlotte.

S. B. No. 171: A bill to be entitled an act to authorize the commissioners of the county of Washington to remove the county seat.

S. B. No. 209: A bill to be entitled an act to cure defects of jurisdiction in certain cases.

S. B. No. 120: A bill to be entitled an act to amend chapter 130, private laws of 1848-'49, and for other purposes.

S. R. No. 63: Resolution in favor of J. H. Enniss.

S. B. No. 131: A bill to be entitled an act regulating the time of holding the terms of the Superior Courts of the Fourth Judicial District, and for other purposes.

Mr. Seymour moved that when the Senate adjourns it will adjourn until 11 A. M. to-morrow.

Mr. Worth moved that the Senate do now adjourn.

The motion to adjourn prevailed.

## EVENING SESSION.

SENATE CHAMBER, Dec. 15th, 1873.

Mr. Welch moved that the private calendar be taken up, that the bills thereon be put upon their several readings, and that the 25th of the Senate rules of order, which requires the yeas and nays to be taken on the final passage of bills be suspended for to-night.

The motion prevailed.

By unanimous consent the Senate proceeded to consider the unfinished business of Saturday, to-wit: The amendments adopted by the House of Representatives to S. R. No. 18, H. R. No. 55: Resolution in favor of Hon. J. L. Henry.

The amendment of the House of Representatives was concurred in by the Senate, and the resolution was ordered to be enrolled for ratification.

Bills and resolutions were acted on, as follows:

S. B. No. 132: A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county. The bill was read the second time.

The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

S. B. No. 173: A bill to be entitled an act for the better protection of the county bridge across Tar river at Greenville, in Pitt county.

Recommitted to the Committee on the Judiciary.

S. R. No. 175: Resolution in favor of Fayetteville National Bank, of Fayetteville. Read and passed the second time.

The resolution was read the third time.

Mr. Seymour moved to amend by striking out the words "and interest on the same \$36.61, total \$5,640.60."

The amendment prevailed, and the resolution passed the third time.

S. B. No. 183, H. B. No. 152: A bill to be entitled an act to



extend the time for collection of railroad taxes in the county of Forsythe. The bill was read the second time.

Mr. Todd moved to amend by making the enacting clause read as follows :

“ The General Assembly of North Carolina do enact.”

The amendment prevailed, and the bill passed the second time.

The bill was then read and passed the third time.

S. B. No. 192, H. B. No. 103 : A bill to be entitled an act to incorporate Montmorency Church, in Buncombe county. Read and passed the second and third times.

S. B. No. 196, H. B. No. 148 : A bill to be entitled an act to incorporate the town of Whiteville, in Columbus county. Read and passed the second and third times.

S. B. No. 205 : A bill to be entitled an act to authorize the late sheriff, Wm. H. Knight, of Edgecombe county, to collect arrears of taxes. Laid on the table.

S. B. No. 211, H. B. No. 186 : A bill to be entitled an act to authorize the Dan River Coalfields Railroad to buy the Atlantic, Tennessee and Ohio Railroad. Read and passed the second and third times.

S. B. No. 221 : A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company. Read and passed the second and third times.

S. B. No. 222, H. B. No. 128 : A bill to be entitled an act to change the time for the meetings of the board of commissioners and county board of education, for Carteret county. Read and passed the second and third times.

S. B. No. 216, H. B. No. 27 : A bill to be entitled an act for the benefit of the farmers of Cashie Neck, Bertie county. Read and passed the second and third times.

S. B. No. 4, H. B. No. 23 : A bill to be entitled an act to restore burt records in the county of Watauga. Read and passed the second and third times.

S. B. No. 226, H. B. No. 100: A bill to be entitled an act to establish a toll bridge on the French Broad river, in Buncombe county. Read and passed the second and third times.

S. B. No. 228, H. B. No. 107: A bill to be entitled an act to amend the act of incorporation of Lincolnton. - The bill was read the second time. The amendment proposed by the Committee on Corporations prevailed, and the bill passed the second time. The bill was then read and passed the third time.

S. B. No. 235, H. B. No. 144: A bill to be entitled an act to incorporate Gray's Chapel Methodist Protestant Church, in the county of Randolph. Read and passed the second and third times.

S. B. No. 240, H. B. No. 184: A bill to be entitled an act to incorporate Clayton Lodge, No. 68, of Odd Fellows, in the county of Johnston. Read and passed the second and third times.

S. B. No. 244, H. B. No. 49: A bill to be entitled an act to incorporate Bethel, in the county of Pitt. Read and passed the second and third times.

S. B. No. 233: A bill to be entitled an act to amend an act to prevent distemper and other infectious diseases among cattle. The bill was read the second time. The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time. The bill was then read and passed the third time.

S. B. No. 245, H. B. No. 177: A bill to be entitled an act to extend the time of the tax collector of McDowell county to settle with the county treasurer. The bill was read the second time.

Mr. Gudger moved to amend by inserting after the word "two" in line 4, section 1, the words, "The tax collector of Yancey county for the year 1872 and the present sheriff of Yancey." The amendment prevailed and the bill passed the second time. The bill was then read and passed the third time.



Mr. Seymour moved that the Senate do now adjourn. The motion did not prevail.

S. B. No. 248, H. B. No. 147: A bill to be entitled an act to incorporate the town of Toisnot, in Wilson county. Read and passed the second and third times.

S. B. No. 249, H. B. No. 149: A bill to be entitled an act to amend the charter of Newbern. Made special order for Wednesday, the 17th instant, at 7½ P. M.

S. B. No. 250, H. B. No. 161: A bill to be entitled an act to incorporate the town of Jonesboro', in the county of Moore. Read and passed the second and third times.

S. B. No. 263: A bill to be entitled an act to incorporate the Raleigh Ware House and Trust Company. Recommended to the Committee on Propositions and Grievances.

S. B. No. 259, H. B. No. 160: A bill to be entitled an act to incorporate Blue Lodge, No. 287, Free and Accepted Masons. Read and passed the second and third times.

S. B. No. 285, H. B. No. 146: A bill to be entitled an act to incorporate the town of Jonesville, in Yadkin county. Read and passed the second and third times.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the construction of a toll bridge across the Catawba river, near the Western North Carolina Railroad bridge.

An act to amend the charter of the town of Beaufort.

An act to incorporate the Weaversville College in Buncombe county.

An act to incorporate the Baptist church of Hominy in Buncombe county.

An act for the relief of the sheriff of Chowan county.

An act to authorize the treasurer of Cherokee county to turn over to the treasurer of Graham county certain bonds, and for other purposes.

Resolution in favor of James H. Enniss, Agent.

Resolution in favor of James H. Enniss.

Resolution in favor of W. H. Morris & Co.

On motion the Senate adjourned.

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TWENTY-FIFTH DAY.

SENATE CHAMBER, Dec. 16th, 1873.

The Journal of yesterday was read.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the amendments adopted by the House to S. B. No. 79, H. B. No. 283: A bill to be entitled an act to incorporate the town of Hickory, in the county of Catawba, and in the amendments adopted by the House to S. R. No. 18, H. R. No. 55; Resolution in favor of Hon. J. L. Henry, and had ordered the same to be enrolled for ratification, and that the Senate had also concurred in the resolution to adjourn *sine die* on the 24th instant.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

S. B. No. 218: A bill to be entitled an act to incorporate the Peoples' Bank of Monroe.

Reports from standing committees were submitted as follows.

From the Committee on Education.

By Mr. Cunningham, S. B. No. 272: Petition from Jones county concerning the school law.

From the Committee on the Judiciary.

By Mr. Seymour, S. B. No. 251: A bill to be entitled an



act to amend chapter 104, section 41, Battle's Revisal, with a recommendation that it do not pass.

S. B. No. 206: A bill to be entitled an act to provide for filling vacancies in the office of county surveyor, with accompanying amendments.

By Mr. Flemming, S. B. No. 300: A bill to be entitled an act to extend the time of taking out grants from the State, with a recommendation that it do pass.

From the Committee on Propositions and Grievances:

S. B. No. 301: A bill to be entitled an act to lay off and establish a public road in the counties of Davidson and Davie and to establish a public ferry across the Yadkin river, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham, S. B. No. 12: A bill to be entitled an act to insure the completion of "The Western Railroad, with a recommendation that it be laid on the table.

By Mr. Murphy, from the Committee on the Institution for the Deaf and Dumb and the Blind, which was read and ordered to be transmitted to the House of Representatives, with a proposition to print the same.

A message was received from the House of Representatives, informing the Senate that that body had concurred in the amendments adopted by the Senate to S. R. No. 190, H. R. No. 35: Resolution instructing the Secretary of State to issue a grant to A. W. Bell, of Macon county.

The resolution was ordered to be enrolled for ratification.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, Dec. 15th, 1873.

MR. PRESIDENT: It is ordered that a message be sent to the Senate informing your honorable body that H. B. No. 17, S. B. No. 70, authorizing and empowering the commissioners of the city of Raleigh to appoint an inspector of wood and coal

has been returned to this House, defaced, interlined and otherwise blurred, and the bill be returned to the Senate.

S. D. POOL,  
Clerk.

And in answer thereto it was ordered that the following message be sent to the House of Representatives:

SENATE CHAMBER, Dec. 16th, 1873.

MR. SPEAKER: It is ordered that a message be sent to the House of Representatives, asking that honorable body that another correctly engrossed copy of House Bill No. 17: A bill to be entitled an act authorizing and empowering the commissioners of the city of Raleigh to appoint an inspector of wood and coal be transmitted so that the action of the Senate may be certified thereon.

The accompanying statement of the Chairman of the Senate Committee on Propositions and Grievances in relation to the manner in which the erasures, interlinations, &c., in the bill returned, occurred is transmitted for the information of the House of Representatives.

W. L. SAUNDERS,  
Clerk of Senate.

STATEMENT OF MR. LOVE.

MR. SPEAKER: I am requested by the Senate to make a statement to the House of Representatives, giving to that honorable body, such information as I may have in relation to the defaced, interlined, and otherwise blurred appearance of H. B. No. 17, S. B. No. 70.

I have the honor to state that said bill was referred in the Senate to the Committee on Proposition and Grievances. That a certain Senator, not a member of said committee, but who was interested in the passage of the bill, desired said committee to amend it. I, as Chairman of said committee,



handed the bill in question to the Senator alluded to, who made certain erasures and interlineations, and returned it seeing what had been done, and the purpose of the Senator. I made the report on the back of the bill, which is regular and in usual form, and reported it to the Senate, without reference to said erasures and interlineations.

I have the honor to be,  
Your obedient servant,

W. L. LOVE,

Chairman Senate Committee on Propositions and Grievances.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Horton : A bill to be entitled an act to appoint commissioners to lay off and improve the public road from Wilkesboro', in the county of Wilkes, to the Ford at Elk Creek, near Horton's Store. To the Committee on Propositions and Grievances.

A bill to be entitled an act to incorporate the Wilkesboro' Yadkin River Bridge Company. To the Committee on Corporations.

By Mr. Murphy : A bill to be entitled an act of annual appropriation for the Institution of the Deaf and Dumb and the Blind. Placed on the Calendar.

By Mr. Troy : A bill to be entitled an act to incorporate the "Tokay Wine Company." To the Committee on Corporations.

A bill to be entitled an act to change the Constitution of the State. To the Committee on the Judiciary.

A bill to be entitled an act amendatory to an act entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes. Placed on the Calendar.

By the Committee on the Insane Asylum : A bill to be enti-

ted an act to enlarge the Insane Asylum of North Carolina, and for the better government of the same.

Made special order for Friday, the 19th instant, at 12 M.

By Mr. Johnston: A bill to be entitled an act to pay jurors in certain cases. To the Committee on the Judiciary.

By message from the House of Representatives, H. B. No. 279: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad. To the Committee on Internal Improvements.

H. B. No. 185: A bill to be entitled an act to incorporate Richland Farmers' Association, in the county of Onslow. To the Committee on Corporations.

H. B. No. 75: A bill to be entitled an act for the relief of such counties as have not received the compensation allowed by law for the support of lunatics. To the Committee on Insane Asylum.

H. B. No. 25: A bill to be entitled an act to re-enact an act of the private laws of 1868-'69. To the Committee on the Judiciary.

H. B. No. 77: A bill to be entitled an act to change the line between the counties of Cumberland and Bladen. To the Committee on Propositions and Grievances.

Mr. Troy introduced the following resolution, which was adopted:

*Resolved by the Senate,* That the Judiciary Committee be requested to report by bill or otherwise, relative to the State University, as to what action the Legislature shall take with that institution.

On motion, the rules were suspended, and S. B. No. 185: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson, was made special order for to-morrow at 11½ A. M.

On motion the rules were suspended, and the Senate proceeded to consider S. B. No. 122: A bill to be entitled an act



to defray certain clerical expenses in the office of the Secretary of State.

The bill was read the second time, and the hour of 12 M. having arrived, the Senate proceeded to consider the special order for that hour, to wit: S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2, chapter 95, private laws of 1871-'72.

The question recurring on the amendment in the nature of a substitute proposed by the Committee on Propositions and Grievances, the amendment prevailed.

The question recurring on its passage, the bill passed the second time.

The Senate then proceeded to consider the next special order, to wit: S. B. No. 241: A bill to be entitled an act to adjust the State debt.

Pending the consideration of the amendment offered by Mr. Troy to the amendment in the nature of a substitute proposed by the Committee on the State Debt.

On motion, the Senate adjourned.

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## TWENTY-SIXTH DAY.

SENATE CHAMBER, Dec. 17th, 1873.

The Journal of yesterday was read.

A message was sent to the House of Representatives transmitting the report of the Joint Committee on the Institution for the Deaf and Dumb and the Blind.

Leave of absence was granted to Mr. Love from and after to-day until the 12th of January, 1874; to Mr. Johnston until Monday next, and to the assistant clerk indefinitely.

Mr. Cramer presented a petition from citizens of the county of Davidson in relation to the prohibition of the sale of spir-

ituous liquors within two miles of Reed's Church in said county; which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted, as follows:

From the Committee on Education:

By Mr. Cunningham, S. B. No. 212, H. B. No. 36: A bill to be entitled an act to incorporate Rock Spring Seminary, in the county of Lincoln, with a recommendation that it do pass.

From the Committee on Privileges and Elections:

By Mr. Cowles, S. B. No. 29: A bill to be entitled an act to amend chapter 52, section 10, Battle's Revisal, with a recommendation that it do not pass.

From the Committee on Propositions and Grievances:

By Mr. Avera, S. B. No. 229, H. B. No. 143: A bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax, with a recommendation that it do pass.

S. B. No. 287: A bill to be entitled an act to empower the commissioners of Burke county to levy a special tax, with a recommendation that it do pass.

S. B. No. 232: A bill to be entitled an act to allow the commissioners of Duplin county to levy a special tax, with a recommendation that it do pass.

S. B. No. 236, H. B. No. 145: A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax, with accompanying amendments.

By Mr. Love, S. B. No. 295: A bill to be entitled an act to repeal an act to change the line between the counties of Yancey and Mitchell, with a recommendation that it do not pass.

S. B. No. 207: A bill to be entitled an act to establish a new county by the name of Bragg, with a recommendation that it do not pass.

S. B. No. 204: A bill to be entitled an act to lay off and establish a new county by the name of Morehead, with a recommendation that it do not pass.

S. B. No. 210: A bill to be entitled an act to lay off and



establish a new county by the name of Morehead, with a recommendation that it do not pass.

From the Committee on Internal Improvements :

By Mr. Morehead, of Rockingham, S. B. No. 269 : A bill to be entitled an act to repeal sections 1 and 4, chapter 179, public laws of 1870-'71, with accompanying amendments.

From the Committee on the Judiciary :

By Mr. Flemming, S. B. No. 286, H. B. No. 163 : A bill to be entitled an act to amend chapter 90, laws of 1872-'73, with a recommendation that the bill be referred to the Committee on Education.

S. B. No. 173 : A bill to be entitled an act for the better protection of the county bridge across Tar river at Greenville, in Pitt county, with accompanying amendments.

By Mr. Price, S. B. No. 59 : A bill to be entitled an act in relation to entries of land, with a recommendation that it do not pass.

By Mr. Gudger, S. B. No. 284, H. B. No. 122 : A bill to be entitled an act to repeal parts of chapter 250, laws of 1868-'69, with a recommendation that it do pass.

From the Committee on Corporations :

By Mr. Gudger, S. B. No. 307 : A bill to be entitled an act to incorporate the Tokay Wine Company, with accompanying amendments.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Amendments to S. B. No. 245, H. B. No. 177 : A bill to extend the time of the tax collector of McDowell county to settle with the county treasurer.

Amendments to S. B. No. 228, H. B. No. 107 : A bill to be entitled an act to amend the act of incorporation of Lincolnton.

Amendments to S. B. No. 183, H. B. No. 152 : A bill to be entitled an act to extend the time for the collection of railroad taxes in the county of Forsythe.

S. R. No. 175: Resolution in favor of Fayetteville National Bank, of Fayetteville.

S. B. No. 233: A bill to be entitled an act to amend an act to prevent distemper and other infectious diseases among cattle.

S. B. No. 132: A bill to be entitled an act to amend the charter of the town of Concord, Cabarrus county.

A message was received from the House of Representatives, informing the Senate that that body had passed the following resolution:

*Resolved*, That this General Assembly will adjourn on Monday the 22d of December, to meet again on Monday the 12th of January.

*Resolved, further*, That the resolution already passed by the General Assembly to adjourn *sine die* on the 24th of December, 1873, is hereby recinded.

The question recurring on concurring in the resolution, Mr. Seymour moved that the consideration thereof be indefinitely postponed.

The yeas and nays were ordered on demand of Mr. Love, and the motion did not prevail. Yeas 20, nays 28.

*Yeas*.—Messrs. Cowles, Cunningham, Ellis of Columbus, Humphrey, King, Love, McCauley, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Ransom, Seymour, Stafford, Todd and Troy—20.

*Nays*.—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cramer, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, Johnston, Long, McCabe, Miller, Murphy, Powell, Scott, Smith, Walker, Waring, Welch and Worth—28.

Mr. Seymour moved to amend the resolution by adding thereto the following proviso:



“*Provided*, That the members of the General Assembly shall draw no *per diem* after December 22d.”

The yeas and nays were ordered on demand of Mr. Seymour, and the amendment did not prevail. Yeas 14, nays 30.

*Yeas*.—Messrs. Barnhardt, Cowles, Cunningham, King, Love, McCotter, Morehead of Guilford, Morehead of Rockingham, Norwood, Price, Ransom, Seymour, Stafford and Todd—14.

*Nays*.—Messrs. Allen, Avera, Chamberlain, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Horton, Humphrey, Hyman, Johnston, Long, McCabe, McCotter, Merrimon, Miller, Murphy, Murray, Powell, Scott, Troy, Walker, Waring, Welch and Worth—30.

Mr. Troy moved to amend by striking out 22d of December and inserting the 24th of December, and by striking out 12th of January and inserting 29th of December.

Mr. Flemming moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Troy, the yeas and nays were ordered on demand of Mr. Welch, and the amendment did not prevail. Yeas 12, nays 35.

*Yeas*.—Messrs. Love, Morehead of Guilford, Morehead of Rockingham, Murphy, Powell, Price, Seymour, Smith, Stafford, Todd, Troy and Welch—12.

*Nays*.—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Nicholson, Norwood, Ransom, Scott, Walker, Waring and Worth—35.

The question then recurring on concurring in the resolution, the yeas and nays were ordered on demand of Mr. Love, and the Senate concurred. Yeas 26, nays 20.

*Yeas*.—Messrs. Allen, Avera, Chamberlain, Cramer, Davis,

Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, Johnston; Long, McCabe, McCotter, Miller, Murphy, Scott, Smith, Walker, Waring and Worth—26.

*Nays.*—Messrs. Barnhardt, Cowles, Cunningham, Ellis of Columbus, King, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell, Price, Ransom, Seymour, Stafford, Todd, Troy and Welch—20.

Mr. Allen moved to reconsider the vote just had, and to lay that motion on the table.

The motion to lay on the table prevailed.

The following named bills were introduced, read, and passed the first time, and were referred or otherwise disposed of, as follows :

By message from the House of Representatives :

H. B. No. 98 : A bill to be entitled an act to authorize the Secretary of State to purchase a fire proof safe. Placed on the Calendar.

H. B. No. 230 : A bill to be entitled an act to amend an act to incorporate the New River Canal Company. To the Committee on Internal Improvements.

H. B. No. 277 : A bill to be entitled an act to enable the sureties on the several official bonds of Isaac Long, deceased, late sheriff of Yadkin county, to collect arrearages of State and county taxes. Placed on the Calendar.

By Mr. Dunham : A bill to be entitled an act declaring and defining the meaning of chapter 43, of the public laws of 1870-'71, entitled an act to repeal sections seven and eight of an act in relation to punishments. To the Committee on the Judiciary.

A bill to be entitled an act to amend section 115, chapter 31, of the Revised Code. To the Committee on the Judiciary.

A bill to be entitled an act to restrain corruption in office. To the Committee on the Judiciary.

A bill to be entitled an act to incorporate the Ladies' Memo-



rial Association of Wilmington, North Carolina. Placed on the Calendar.

By Mr. Gudger: A bill to be entitled an act to give to Burke and Rutherford counties the proceeds of the vacant lands therein. To the Committee on the Judiciary:

By Mr. Miller: A bill to be entitled an act to prohibit the sale of spirituous liquor within two miles of the town of Shelby, in Cleaveland county. To the Committee on Propositions and Grievances.

By Mr. Love: A bill to be entitled an act in relation to the Western Division of the Western North Carolina Railroad. To the Committee on Internal Improvements.

On motion of Mr. Love, it was ordered that the rule requiring night sessions of the Senate on Monday, Wednesday and Thursday, of each week, be suspended until after the recess.

Mr. Ellis, of Catawba, at his own request, was excused from further service as a member of the Committee on Public Printing.

Mr. Avera moved that Mr. McCauley be appointed to fill the vacancy on said committee caused by the resignation of Mr. Ellis of Catawba.

The yeas and nays were ordered on demand of Mr. Avera and the motion prevailed. Yeas 26, nays 14.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Horton, King, Love, Merrimon, Miller, Murray, Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—26.

*Nays.*—Messrs. Dunham, Eppes, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Johnston, Long, McCabe, McCotter, Murphy and Waring—14.

At 11½ A. M., the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 185: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson.

The consideration of the bill was postponed and made special order for 8. P. M. to-day.

At 12 M., the Senate proceeded to consider the special order for that hour, to-wit: S. R. No. 133: Resolution concerning the passing of the civil rights bill by Congress.

The resolution was read.

Mr. Harris moved to amend by inserting after the words "civil rights bill," the words "securing equal rights to all citizens."

The yeas and nays were ordered on demand of Mr King, and the amendment did not prevail. Yeas 12, nays 29.

*Yeas.*—Messrs. Chamberlain, Eppes, Harris, Hill, Holloman, King, Long, McCabe, McCotter, Seymour, Smith and Walker—12.

*Nays.*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Troy, Waring, Welch and Worth—29.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Troy, and the resolution was rejected. Yeas 6, nays 38.

*Yeas.*—Messrs. Eppes, Harris, Hill, Hyman, McCabe and Seymour—6.

*Nays.*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, Johnston, Long, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Smith, Todd, Troy, Walker, Waring, Welch and Worth—38.

Mr. King was excused from voting as he was not in the bar of the Senate when the question was put by the President.



Bills and resolutions were acted on under a suspension of the rules, as follows:

S. B. No. 251: A bill to be entitled an act to amend chapter 104, section 41, Battle's Revisal. Recommitted to the Committee on the Judiciary.

S. B. No. 185: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson. Made special order for 11½ A. M. to-morrow.

S. R. No. 2: Resolution in relation to the so-called special tax debt of North Carolina. Read the second time. Pending the consideration of the resolution on its second reading. On motion, the Senate adjourned.

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## TWENTY-SEVENTH DAY.

SENATE CHAMBER, Dec. 18th, 1873.

The Journal of yesterday was read.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the resolution adopted by the House to take a recess.

A message was also sent to the House of Representatives informing that body that Mr. Ellis, of Catawba, had been excused from further service as a member of the Committee on Printing and designating Mr. McCauley a member of said committee to fill the vacancy.

Leave of absence was granted to Mr. King from and after Saturday, until the 12th of January, 1874, and to Mr. Todd for the 19th, 20th and 22d days of December.

Reports from standing committees were submitted, as follows:

From the Committee on the Judiciary:

By Mr. Seymour, S. B. No. 278: A bill to be entitled an

act to restore the records of Washington county, with a recommendation that it do pass.

By Mr. Scott, S. B. 283, H. B. 111: A bill to be entitled an act to provide for the relinquishment to the United States in certain cases of title to and jurisdiction over lands for sites of light houses, beacons and other aids to navigation in the waters of this State, with a recommendation that it do pass.

From the Committee on Internal Improvements:

By Mr. Morehead, of Rockingham, S. B. No. 317, H. B. No. 230: A bill to be entitled an act to amend an act to incorporate the New River Canal Company, with accompanying amendments.

S. B. No. 311, H. B. No. 279: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad, with accompanying amendments.

S. B. No. 327: A bill to be entitled an act in relation to the Western Division of the Western North Carolina Railroad, with a recommendation that it do pass.

The special committee to which S. B. No. 97: A bill to be entitled an act for the support and better government of the Oxford Orphan Asylum was referred, made a report through its chairman, Mr. Love, recommending that it do not pass.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 31: A bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes therein mentioned, with certain amendments.

On motion of Mr. Humphrey, it was ordered that the amendments be referred to a select committee of three Senators. The chair designated Messrs. Humphrey, Seymour and Morehead, of Guilford, as the committee.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Johnston: A bill to be entitled an act to authorize



the commissioners of Washington county to issue bonds. To the Committee on Propositions and Grievances.

By Mr. Eppes: A bill to be entitled an act to incorporate Enfield Institute, at Enfield, North Carolina. To the Committee on Corporations.

By Mr. Murray: A bill to be entitled an act to amend section 72, of chapter 17, of Battle's Revisal. To the Committee on the Judiciary.

By Mr. Waring: A bill to be entitled an act for the election of Judges, and for other purposes. To the Committee on Privileges and Elections.

By Mr. Scott: A bill to define and establish the dividing line of the counties of Jones and Lenoir and Jones and Craven. To the Committee on Propositions and Grievances.

By Mr. Merrimon: A bill to be entitled an act to amend chapter 19, laws of 1871-'72. Placed on the Calendar.

By Mr. Todd: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Ore Knob Copper Mine, in Ashe county. Placed on the Calendar.

By Mr. Norwood: A bill to be entitled an act to amend Battle's Revisal, chapter 17, section 31. To the Committee on the Judiciary, with instructions to report immediately.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Cunningham: Resolution of instruction to North Carolina Senators and Representatives in Congress. Laid over under the rules.

At 11:30 A. M., the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 185: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson.

On motion of Mr. Welch, the consideration of the bill was postponed and made special order for Tuesday, the 13th of January, 1874.

Mr. Humphrey, from the select committee, to consider the amendments adopted by the House of Representatives, re-

ported that the committee recommended that the Senate concur in all the said amendments, except the amendment proposing to insert a new section in the bill to come in as section 18.

On motion the Senate concurred in the report of the committee, and the House of Representatives was notified, by message, of the action taken by the Senate on the said amendments.

Bills and resolutions were acted on under a suspension of the rules, as follows :

S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2, of chapter 95, private laws of 1871-'72. Read and passed third time. Yeas 28, nays 2.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Humphrey, Mabson, McCabe, Merrimon, Miller, Murray, Nicholson, Norwood, Price, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring and Worth—28.

*Nays.*—Messrs. Gudger and Murphy—2.

Ordered to be fourthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 327: A bill to be entitled an act in relation to the Western Division of the Western North Carolina Railroad. Read and passed the second and third times. Yeas 31, nays 1.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Dunham, Eppes, Flemming, Gudger, Humphrey, Love, Mabson, McCabe, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—31.

*Nays.*—None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 237, H. B. No. 141: A bill to be entitled an act for the benefit of Stanly county. Read and passed the second and third times. Yeas 30, nays none.



*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, Merrimon, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Troy, Walker, Waring, Welch and Worth—30.

*Nays.*—None.

S. B. No. 158, H. B. No. 64: A bill to be entitled an act declaring it a misdemeanor for any person who has executed a chattel mortgage, deed in trust, or lien, to dispose of the property with intent to defraud the mortgage. Read and passed the second and third times. Yeas 35, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Eppes, Flemming, Hill, Holloman, Horton, Humphrey, King, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—35.

*Nays.*—None.

S. B. No. 186, H. B. No. 95: A bill to be entitled an act for the relief of sheriffs and tax collectors. The bill was read the second time. The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed the second time: The bill was then read and passed the third time. Yeas 33, nays 3.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Gudger, Holloman, Horton, King, Long, McCauley, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Ransom, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—33.

*Nays.*—Messrs. Dunham, Humphrey and Morehead of Rockingham—3.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 59 : A bill to be entitled an act in relation to entries of land. The bill was read the second time. The amendment in the nature of a substitute proposed by the Committee on the Judiciary prevailed and the bill passed the second time. The bill was then read and passed the third time. Yeas 32, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Holloman, Horton, Humphrey, King, Long, Mabson, McCabe, McCotter, Miller, Nicholson, Norwood, Powell, Scott, Seymour, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays.*—None.

S. B. No. 318, H. B. No. 277 : A bill to be entitled an act to enable the sureties on the several official bonds of Isaac Long, deceased, late sheriff of Yadkin county, to collect arrearages of State and county taxes

Read and passed the second and third times. Yeas 34, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, Humphrey, Long, Love, McCauley, McCotter, Merrimon, Miller, Murphy, Nicholson, Norwood, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Nays.*—None.

S. B. No. 199, H. B. No. 31 : A bill to be entitled an act in relation to foreign insurance companies.

Read and passed the second and third times. Yeas 40, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, Humphrey, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith,



Stafford, Todd, Troy, Walker, Waring, Welch and Worth—40.

*Nays.*—None.

S. B. No. 332: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Ore Knob Copper Mine, in Ashe county. The bill was read the second time.

Mr. Gudger moved to amend by inserting the words, "with a view of remuneration," between the words "liquors" and "within," in section 1.

The amendment prevailed and the bill passed the second time.

The bill was then read and passed the third time. Yeas 38, nays 2.

*Yeas.*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Horton, Johnston, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Nays.*—Messrs. Cowles and Dunham—2.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

Mr. Flemming, by consent, reported that the Committee on the Judiciary had considered S. B. No. 334: A bill to be entitled an act to amend Battle's Revisal, chapter 17, section 31, and recommended its passage. Thereupon, under a suspension of the rules, the bill was read and passed the second and third times. Yeas 38, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Hill, Holloman, Horton, King, Long, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour,

Smith, Stafford, Todd, Walker, Waring, Welch and Worth—38.

*Nays*—None.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 122: A bill to be entitled an act to defray certain clerical expenses in the office of the Secretary of State. The amendment in the nature of a substitute proposed by the Committee on Propositions and Grievances prevailed.

Mr. Love moved to amend by striking out all after the word "office," in line 12. The amendment did not prevail.

Mr. Troy moved that the further consideration of the bill be indefinitely postponed. The motion did not prevail.

Mr. Love moved that the bill lie on the table. The yeas and nays were ordered on demand of Mr. Cowles, and the amendment did not prevail. Yeas 11, nays 31.

*Yeas*.—Messrs. Avera, Barnhardt, Cowles, Cunningham, Flemming, Gudger, Love, Nicholson, Stafford, Troy and Worth—11.

*Nays*.—Messrs. Chamberlain, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Price, Ransom, Scott, Seymour, Smith, Todd, Walker, Waring and Welch—31.

Mr. Todd moved to amend by inserting after the word "records," in line 12, the words "and indexing all the books."

The amendment prevailed, and the bill passed the second time. Yeas 35, nays 10.

*Yeas*.—Messrs. Chamberlain, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Todd, Walker, Waring and Welch—35.



*Nays.*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Gudger, Love, Nicholson, Stafford, Troy and Worth—10.

The bill was then read and passed the third time. Yeas 33, nays 9.

*Yeas.*—Messrs. Chamberlain, Cramer, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Horton, Hyman, Johnston, King, Mabson, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Todd, Walker, Waring and Welch—33.

*Nays.*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Gudger, Love, Nicholson, Troy and Worth—9.

Mr. Seymour moved to reconsider the vote just had. The motion prevailed.

Mr. Seymour moved to amend by adding the following enacting clause:

“This act shall take effect from and after its ratification.”

The amendment prevailed, and the bill passed the third time. Yeas 29, nays 5.

*Yeas.*—Messrs. Chamberlain, Cowles, Cramer, Dunham, Ellis of Columbus, Flemming, Humphrey, King, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Todd, Walker, Waring and Welch—29.

*Nays.*—Messrs. Avera, Cunningham, Love, Troy and Worth—5.

Ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 331: Resolution of instruction to North Carolina Senators and Representatives in Congress. Read and adopted and ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. R. No. 297: Resolution authorizing and directing the

Governor in certain matters connected with the Western North Carolina Railroad Company. Made special order for to-morrow at 11½ A. M.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence.

S. B. No. 122: A bill to be entitled an act to defray certain clerical expenses in the office of the Secretary of State.

S. B. No. 221: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company.

S. B. No. 332: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Ore Knob Copper Mine, in Ashe county.

S. B. No. 334: A bill to be entitled an act to amend Battle's Revisal, chapter 17, section 31.

S. B. No. 331: Resolution of instruction to North Carolina Senators and Representatives in Congress.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the town of Jonesville, in the county of Yadkin.

An act to incorporate Montmorency Church, in the county of Buncombe.

An act to incorporate the town of Hickory, in Catawba county.

An act to incorporate Blue, Lodge No. 287, Free and Accepted Masons.

An act to change the time for the meeting of the board of commissioners and county board of education for Carteret county.

An act to authorize the Dan River Coalfield Railroad to buy the Atlantic, Tennessee and Ohio Railroad.

An act to incorporate the town of Whiteville, in the county of Columbus.



An act to incorporate Gray's Chapel Methodist Protestant Church, in Randolph county.

An act to establish a toll bridge on the French Broad river, in Buncombe county.

An act to incorporate the town of Toisnot, in Wilson county.

An act to incorporate Bethel, in the county of Pitt.

An act for the benefit of the farmers in Cashie Neck, Bertie county.

An act to incorporate Clayton Lodge, No. 68, Odd Fellows, in Johnston county.

An act to incorporate the town of Jonesboro', in Moore county.

An act to restore the records, in Watauga county.

Resolution instructing the Secretary of State to issue a grant to A. W. Bell, of Macon county.

Resolution in favor of Hon. J. L. Henry.

On motion, the rules were suspended, and the Senate proceeded to consider S. B. No. 333: A bill to be entitled an act to amend chapter 19, laws of 1871-'72.

The bill was read the second time.

Mr. Merrimon moved to amend by inserting the following as a new section:

“Section —, That the exemptions from paying toll contained in this act, of which this act is amendatory, or in any other act, shall not have the effect to exempt any persons from paying full tolls, who engages in hauling goods or other things from Old Fort to Asheville or any intermediate point west of the present location of the gate on said road, or who shall engage in hauling goods or other things from Asheville or any other point west of said gate to Old Fort or any point east of said gate.”

The amendment prevailed.

On motion the Senate adjourned.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER, Dec. 19th, 1873.

The Journal of yesterday was read.

Leave of absence was granted to Messrs. McCotter and Fleming for the 20th and 22d days of this month.

Reports from standing committees were submitted, as follows :

From the Committee on Education :

By Mr. Cunningham, S. B. No. 286, H. B. No. 163 : A bill to be entitled an act to amend chapter 90, laws of 1872-'73, with a recommendation that it do pass.

From the Committee on Propositions and Grievances :

By Mr. Hill, S. B. No. 134, H. B. No. 22 : A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the town of Burnsville, Yancey county, with a recommendation that it do pass.

By Mr. Price, S. B. No. 326 : A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Shelby, Cleaveland county, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From the Committee on Corporations :

By Mr. Welch, S. B. No. 192, H. B. No. 37 : A bill to be entitled an act to incorporate the members of the congregation of united brethren, of the town of Salem and vicinity, commonly called Moravians, with an accompanying amendment.

By Mr. Avera, S. B. No. 339 : A bill to be entitled an act to incorporate Enfield Institute, at Enfield, N .C., with accompanying amendments.

From the Committee on the Judiciary :

By Mr. Morehead, of Guilford, S. B. No. 239, H. B. No. 227 : A bill to be entitled an act to regulate the price of Battle's Revisal, with accompanying amendments.

The hour of 11½ A. M. having arrived, the Senate proceeded



to consider the special order for that hour, to-wit, S. R. No 297: Resolution authorizing and directing the Governor in certain matters connected with the Western North Carolina Railroad Company. On motion the resolution was made the special order for 12 M. to-day.

A message was received from the House of Representatives, informing the Senate that that body had recessed from its amendment proposing to add a new section to S. B. No. 31, H. B. No. 225: A bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes therein mentioned, and had ordered the bill to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 183: A bill to be entitled an act to amend the charter of the town of Hillsboro', in Orange county. To the Committee on Corporations.

H. B. No. 333: A bill to be entitled an act to incorporate the town of Reidsville. To the Committee on Corporations.

H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company. To the Committee on Corporations.

H. B. No. 250: A bill to be entitled an act to add certain sections to Battle's Revisal, to go into effect January 1st, 1874. To the Committee on the Judiciary.

H. B. No. 231: A bill to be entitled an act to amend the charter of the town of Winston, in the county of Forsythe. To the Committee on Corporations.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. —: A bill to be entitled an act to enlarge the Insane Asylum of North Carolina and for the better government of the same. On motion, the bill was made special order for the 15th of January, 1874, at 12 M.

The Senate then proceeded to consider the next special order, to-wit: S. R. No. 297: Resolution authorizing and directing the

Governor in certain matters connected with the Western North Carolina Railroad Company. The resolution was read the second time.

Mr. Flemming offered an amendment in the nature of a substitute, which prevailed, and the resolution passed the second time.

The resolution was then read and passed the third time. Yeas 36, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Johnston, King, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—36.

*Nays.*—None.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 241: A bill to be entitled an act to adjust the State Debt.

The question recurring on the amendment offered by Mr. Troy, it was withdrawn by consent.

The question then recurring on the amendment, in the nature of a substitute, offered by Mr. Norwood, it was withdrawn by consent.

Mr. Worth moved to amend the amendment, in the nature of a substitute, proposed by the Committee on the State Debt, by adding to section 1, the words "and that the coupons shall be authenticated by the engraved signature of the Treasurer."

The motion prevailed.

Mr. Worth moved to amend the committee amendment further, by adding to section 4 the words "and for bonds issued for internal improvement purposes after May 20th, 1861, and prior to May, 1865, 20 cents on the dollar," and by striking out section 5 of the committee amendment and inserting in lieu thereof the following:



“Section 5. That to provide for the payment of the interest on said bonds, to be issued as herein provided, a tax of twenty-five cents on the \$100 valuation of all the real and personal property of the State, and — cents on the poll is hereby levied and shall be annually collected as other taxes: *Provided*, That no tax shall be collected until the proposed exchange of bonds shall be made, and it shall be the duty of the Auditor, on the 1st day of November, 1874, to ascertain from the Treasurer the amount of bonds so exchanged, and shall then order the collection of a sufficient amount of tax, as above provided, to pay the interest on the amount of bonds so exchanged, said tax to be collected and paid into the treasury by the 1st of January, 1875, and that the coupons coming due, 1st of January, 1875, shall be receivable for said taxes.”

The amendments prevailed.

Mr. Barnhardt moved to amend by adding to section 7 the words:

“It shall be lawfull for any executor or administrator, guardian, trustee, director of corporation and other persons, acting in a fiduciary capacity, holding bonds of the State to make the exchange contemplated in this act. And they shall be absolved from all liability on account of the said exchange.”

The amendment prevailed.

Mr. Norwood gave notice that he would hereafter move the following amendment, strike out all after the words, “The General Assembly of North Carolina do,” and insert the following:

*Resolved*, 1. That in consequence of the calamitous results of the late war, and of the subsequent legislation of both the General and State Governments, the people of North Carolina have been deprived of all ability to pay at the present time any part of their public debt.

2. That a new government has been imposed upon the people far more burdensome in its administration than the old one, which is true of all its departments and divisions of counties, townships and towns, that in addition to this heavy burden, as much as our people in their impoverished condition can be reasonably expected to bear, and in addition to an absolutely necessary system of common school instruction towards which only a feeble beginning has been made: Our Constitution requiring in terms which may not be unheeded, if in our power to obey them—and common humanity unites her voice in still louder tones; that the neglected idiots computed in number at 1,000, the still neglected insane (after providing for some of them) computed in numbers at 500, that the large number of the Deaf, Dumb and the Blind, who are still unfriended and forsaken, and the whole multitude of destitute orphans shall all be gathered within the folds of an enlarged State charity, and be properly cared for.

3. That these objects impose a higher obligation, a more imperious necessity upon the people of the State, at the present time, than even the high and solemn obligation to pay the just and honest portion of their public debt, especially when it is remembered that the debt was contracted under circumstances now so changed and depending for its payment upon means now so completely swept away.

4. That upon a review of the whole subject we submit it to the enlightened consideration of Congress if the General Government would not act wisely by assuming the payment of so much of the debt of the State of North Carolina as in justice and equity ought to be paid."

Mr. Waring gave notice that he would hereafter move to amend by inserting after the word "dollar" in line 11, section 4, the words "Internal Improvement Bonds issued during the war, under an act passed before the war, thirty cents on the dollar."

Mr. Morehead, of Guilford, moved that the further consider-



ation of the bill be postponed and made special order for the 16th of January, 1874, at 12 M., and that 250 copies of the proposed amendments be printed. The motion prevailed.

Mr. Seymour, by consent, reported that the Committee on the Judiciary had considered S. B. No. —, H. B. No. 250: A bill to be entitled an act to add certain sections to Battle's Revisal, and recommended its passage. The bill was thereupon read and passed the second and third times. The rules requiring the yeas and nays on the final passage of a bill was suspended in this instance.

S. B. No. 239, H. B. No. 227: A bill to be entitled an act to regulate the price of Battle's Revisal. The bill was read the second time. The amendments proposed by the Committee on the Judiciary prevailed and the bill passed the second time. The bill was then read and passed the third time. The call of the yeas and nays being by unanimous consent dispensed with.

S. B. No. 311, H. B. No. 279: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad. The bill was read the second time. The amendments proposed by the Committee on Internal Improvements prevailed.

Mr. Dunham moved to amend by striking out section 21. The amendment prevailed and the bill passed the second time. The bill was then read and passed the third time, the call of the yeas and nays being by unanimous consent dispensed with.

S. B. No. 333: A bill to be entitled an act to amend chapter 19, laws of 1871-'72. The question recurring on the passage of the bill on its second reading, the bill passed the second time.

The bill was read the third time.

Mr. Merrimon moved to amend by adding the following proviso to section 5:

*“Provided, That no citizen of McDowell county shall be required to work on said road.”*

The amendment prevailed, and the bill passed the third time. Yeas 23, nays 19.

*Yeas.*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Humphrey, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Seymour, Stafford, Troy, Walker, Waring and Worth—23.

*Nays.*—Messrs. Avera, Barnhardt, Cramer, Eppes, Fleming, Gudger, Harris, Hill, Holloman, Johnston, King, Long, Mabson, McCabe, McCotter, Morehead of Rockingham, Price, Smith and Welch—19.

S. B. No. 300: A bill to be entitled an act to extend the time of taking out grants from the State. Read and passed the second and third times. Yeas 33, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Johnston, King, Mabson, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Walker, Waring, Welch and Worth—33.

*Nays*—None.

S. B. No. 319, H. B. No. 98: A bill to be entitled an act to authorize the Secretary of State to purchase a fire proof safe.

Read and passed the second and third times. Yeas 25, nays 7.

*Yeas.*—Messrs. Avera, Cramer, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Holloman, Horton, King, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Norwood, Ransom, Scott, Seymour, Walker and Worth—25.

*Nays.*—Messrs. Cowles, Cunningham, Ellis of Columbus, Murray, Nicholson, Stafford and Waring—7.

S. B. No. 255: A bill to be entitled an act to amend chapter 189, of the laws of 1870-'71.



Read and passed the second time. Yeas 36, nays 1.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Troy, Walker, Waring, Welch and Worth—36.

*Nays.*—Mr. King—1.

Mr. Morehead, of Rockingham, by consent, reported that the Committee on Corporations had considered S. B. No. —, H. B. No. 333: A bill to be entitled an act to incorporate the town of Reidsville, and recommended its passage. The bill was read and passed the second and third times. Yeas 36, nays none.

*Yeas.*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Flemming, Gudger, Hill, Holloman, Horton, Johnston, King, Long, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—36.

*Nays.*—None.

S. B. No. 134, H. B. No. 22: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the town of Burnsville, Yancey county. Read and passed the second and third times. Yeas 27, nays 6.

*Yeas.*—Messrs. Avera, Barnhardt, Cunningham, Flemming, Gudger, Hill, Holloman, Horton, Johnston, Long, Mabson, McCabe, Merrimon, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Seymour, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—27.

*Nays.*—Messrs. Chamberlain, Cowles, Dunham, Ellis of Catawba, Eppes and King—6.

Mr. Gudger moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Murphy, and the Senate refused to adjourn. Yeas 9, nays 21.

*Yeas*—Messrs. Gudger, Humphrey, Johnston, Morehead of Rockingham, Seymour, Smith, Walker, Waring and Worth—9.

*Nays*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Harris, Hill, Holloman, Mabson, McCabe, McCauley, Merrimon, Nicholson, Norwood, Ransom, Scott, Troy and Welch—21.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 4: A bill to be entitled an act to repeal chapter 101, private laws of 1870-'71, and to repeal section 2 of chapter 95, private laws of 1871-'72.

S. B. No. 327: A bill to be entitled an act in relation to the Western Division of the Western North Carolina Railroad.

Senate amendments to H. B. No. 95, S. B. No. 186: A bill to be entitled an act for the relief of sheriffs and tax collectors.

S. B. No. 59: A bill in relation to entries of land.

The following named bills and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to extend the time for the collection of railroad taxes, in Forsythe county.

An act to amend an act incorporating the town of Lincoln.

An act to change the time of holding the Superior Courts, in the counties of Pitt and Hyde, and to provide for three regular terms of said court in Pitt county each year.

An act to extend the time of tax collectors of McDowell and Yancey counties.

On motion, the Senate adjourned.



## TWENTY-NINTH DAY.

SENATE CHAMBER, Dec. 20th, 1873.

The Journal of yesterday was read.

Mr Dunham presented a petition from citizens of Halifax in relation to the charter of the Roanoke Navigation Company, which was read.

Mr. Dunham moved that the petition be referred to a select committee of three Senators.

The motion prevailed and the chair designated Messrs. Dunham, Eppes and Merrimon as the committee.

Leave of absence for Monday next was granted to Messrs. Barnhardt, Hill, Holloman, Powell, Stafford, Walker and Welch and to the assistant doorkeeper.

Reports from the standing committees were submitted as follows :

From the Committee on Corporations :

By Mr. Avera, S. B. No. 343, H. B. No. 183 : A bill to be entitled an act to amend the charter of the town of Hillsboro', in Orange county, with accompanying amendments.

By Mr. Gudger, S. B. No. 342, H. B. No. 52 : A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company, with accompanying amendments.

By Mr. Welch, S. B. No. 341, H. B. No. 231 : A bill to be entitled an act to amend the charter of the town of Winston, in Forsythe county, with a recommendation that it do pass.

From the Committee on Education :

By Mr. Cunningham, S. B. No. 33 : A bill to be entitled an act to repeal instructions to school officers, published by Alexander McIvor, Superintendent of Public Instructions, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From the Committee on Insurance :

By Mr. Murphy, S. B. No. 277 : A bill to be entitled an act

to amend an act, chapter 182, public laws of 1872-'73, with a recommendation that it do pass.

A message was received from the House of Representatives, informing the Senate that that body had concurred in the amendments adopted by the Senate to S. B. No. 311, H. B. No. 279: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad, and had ordered the bill to be enrolled for ratification.

A message was received from the House of Representatives, informing the Senate that that body had passed S. R. No. 63, H. R. No. 84: Resolution in favor of J. H. Enniss, with an amendment. The Senate concurred in the amendment adopted by the House of Representatives, the resolution was ordered to be enrolled for ratification, and the House of Representatives was notified thereof by message.

A message was received from the House of Representatives, informing the Senate that that body had passed S. B. No. 333, H. B. No. 352: A bill to be entitled an act to amend chapter 19, laws of 1871-'72, with an amendment.

Mr. Merrimon moved that the Senate concur in the amendments adopted by the House.

Mr. Gudger moved that the consideration of that motion be postponed, and made special order for the 15th of January, 1874, at 11 A. M.

The motion to postpone and make special order prevailed.

Mr. Cramer moved to reconsider the vote just had.

Mr. Waring moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the motion to reconsider, the yeas and nays were ordered on demand, and the motion prevailed. Yeas 18, nays 8.

*Yeas.*—Messrs. Chamberlain, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Humphrey, Merrimon, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Stafford, Troy, Walker and Waring—18.



*Nays.*—Messrs. Avera, Barnhardt, Cowles, Gudger, Johnston, McCauley, Morehead of Rockingham and Welch—8.

The question recurring on the motion to postpone and make special order the consideration of the motion to concur in the amendments adopted by the House of Representatives, Mr. Merrimon moved the previous question and the Senate ordered the main question to be put. The question then recurring on the motion to concur in the House amendments, the yeas and nays were ordered on demand of Mr. Gudger, and the motion prevailed. Yeas 18, nays 10.

*Yeas*—Messrs. Chamberlain, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Humphrey, Merrimon, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Stafford, Troy and Waring—18.

*Nays.*—Messrs. Avera, Barnhardt, Harris, Johnston, McCauley, Morehead of Guilford, Morehead of Rockingham, Seymour, Walker and Welch—10.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message, from the House of Representatives:

H. B. No. 320: A bill to be entitled an act to require the owners of seines at or near the mouth of Chowan river to stake out the middle of the channel and for other purposes. Placed on the Calendar.

H. B. No. 345: A bill to be entitled an act to cure defects. To the Committee on the Judiciary.

H. B. No. 326: A bill to be entitled an act in reference to the meetings of the stockholders and directors of the Carolina Central Railway Company. Placed on the Calendar.

H. B. No. 201: A bill to be entitled an act to change the time for holding the Superior Courts of Randolph county, 7th Judicial District. To the Committee on the Judiciary.

H. B. No. 200: A bill to be entitled an act to regulate the sale of spirituous liquors within the corporate limits of the town of Salisbury, in the county of Rowan, and within the

corporate limits of the town of Mocksville, in the county of Davie. Placed on the Calendar.

H. B. No. 307: A bill to be entitled an act to allow the commissioners of Stanly county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 287: A bill to be entitled an act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified the 13th day of February, A. D. 1855. Placed on the Calendar.

By Mr. Troy: A bill to be entitled an act concerning Battle's Revisal. Placed on the Calendar.

By Mr. Avera: A bill to be entitled an act for the better care and protection of the orphan children of the State. To the Committee on Finance.

Mr. Worth moved to reconsider the vote by which S. B. No. 239, H. B. No. 227: A bill to be entitled an act to regulate the price of Battle's Revisal, passed its third reading. The motion prevailed. Thereupon Mr. Worth moved to amend by striking out the word "ten" and inserting the word "twenty."

Mr. Ellis, of Columbus, moved that the further consideration of the bill be postponed until the 15th of January, 1874, and be referred to a select committee of three. The motion to postpone and refer prevailed.

Mr. Dunham, by consent, reported that the Committee on the Judiciary had considered H. B. No. 345: A bill to be entitled an act to cure defects, and recommend the passage thereof.

On motion, the rules were suspended and the bill was read and passed the second and third times. Yeas 32, nays none.

*Yeas.*—Messrs. Avera, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Harris, Horton, Johnston, Long, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—32.

*Nays.*—None.



Bills were acted on under a suspension of the rules, as follows:

H. B. No. 287: A bill to be entitled an act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified the 13th day of February, A. D. 1855.

Read and passed the second and third times. Yeas 29, nays none.

*Yeas.*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Columbus, Eppes, Harris, Horton, Johnston, Long, Mabson, McCabe, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Troy, Walker, Welch and Worth—29.

*Nays.*—None.

H. B. No. 200: A bill to be entitled an act to regulate the sale of spirituous liquors within the corporate limits of the town of Salisbury, in the county of Rowan, and within the corporate limits of the town of Mocksville, in the county of Davie. Read and passed the second and third times. Yeas 29, nays 3.

*Yeas.*—Messrs. Barnhardt, Cramer, Cunningham, Davis, Harris, Horton, Johnston, Long, Mabson, McCabe, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—29.

*Nays.*—Messrs. Cowles, Dunham and Eppes—3.

H. B. No. 320: A bill to be entitled an act to require owners of seines at or near the mouth of Chowan river, to stake out the middle of the channel and for other purposes. Read and passed the second and third times. Yeas 32, nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Harris, Horton, Johnston, Long, McCabe, McCauley, Merri-

mon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—32.

S. B. No. 317, H. B. No. 230: A bill to be entitled an act to amend an act to incorporate the New River Canal Company. Made special order for 14th January, 1874, at 1 P. M.

S. B. No. 236, H. B. No. 145: A bill to be entitled an act to allow the Commissioners of Anson County to levy a special tax.

The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. Yeas 25; nays 2.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Harris, Horton, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Seymour, Stafford, Walker, Waring, Welch and Worth—25.

*Nays.*—Messrs, Dunham and Gudger—2.

S. B. No. 345: A bill to be entitled an act concerning Battle's Revisal. Read and passed second and third times. Yeas 30; nays none.

*Yeas.*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Harris, Horton, Johnston, Long, Mabson, Merrimon, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Seymour, Stafford, Troy, Walker, Waring and Welch—30.

The following named bill, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 346: A bill to be entitled an act concerning Battle's Revisal.

The following named acts and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were



duly ratified and transmitted to the office of the Secretary of State:

An act to defray certain clerical expenses in the office of Secretary of State.

An act to authorize the Secretary of State to purchase a fire-proof safe for the use of the State.

An act for the benefit of Stanley county and others.

An act in relation to Foreign Insurance Companies.

An act declaring it a misdemeanor for any person who has executed a chattel mortgage, deed in trust or lein, to dispose of the property with intent to to defeat the mortgage.

An act to enable the sureties of Isaac Long, deceased, late sheriff of Yadkin, to collect taxes.

An act to amend the charter of the N. C. R. R. Co., and for other purposes therein mentioned.

~~On~~ On motion, the Senate adjourned.

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## THIRTIETH DAY.

SENATE CHAMBER, December 22d, 1873.

The journal of Saturday was read.

Mr. Dunham was temporarily added to the Committee on Engrossed Bills, and Mr. Merrimon to the Committee on Enrolled Bills.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 62: A bill to be entitled an act to amend Title II, chapter 17, Code of Civil Procedure, Battle's Revisal. Recommitted to the Committee on Judiciary.

S. B. No. 324: A bill to be entitled an act to incorporate the Ladies' Memorial Association, of Wilmington, North Carolina. Read and passed second and third times.

By unanimous consent the yeas and nays were dispensed with on the passage of the bill.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

S. B. No. 324: A bill to incorporate the Ladies' Memorial Association, of Wilmington, North Carolina.

The following named acts and resolutions reported as correctly enrolled by the Committee on Enrolled Bills were duly ratified and transmitted to the office of Secretary of State :

An act to incorporate the Yadkin, New and Watauga Timber and Lumber Raft Company.

An act to incorporate Berne Lodge, No. 71, Independent Order of Odd Fellows, Newbern, North Carolina.

An act to incorporate the town of Reidsville, Rockingham county.

An act to amend an act ratified December, 1845, entitled an act to amend an act ratified 29th January, 1843, in reference to amending the charter for building a bridge across Pasquotank river. Also to amend the act of 1810, chapter 33, section 10, in relation to the same bridge.

An act to amend chapter 134, private laws of 1848-'49, and for other purposes.

An act to incorporate Athenia Lodge, No. 8, Knights of Pythias, in the county of Craven.

An act to cure defects.

An act to prohibit the sale of intoxicating liquors within two miles of the court-house in Burnsville, Yancey county ;

An act concerning Battle's Revisal.

An act to incorporate the Oriental Fish and Oyster Company.

Resolution in favor J. H. Enniss.

An act to incorporate the Cross Creek Cemetery Company.

An act to authorize the commissioners of Washington county to remove the county seat of said county.



Resolution of Instruction to North Carolina Senators and Representatives in Congress.

An act to prohibit the sale of spirituous liquors within three miles of what is known as the Ore Knob Copper Mine, in Ashe county.

An act to amend the charter of the Rabun Gap Short Line Railway Company.

An act to amend chapter 19 of the laws of 1871-'72.

An act to regulate the sale of spirituous liquors within the corporate limits of the towns of Salisbury and Mocksville.

An act to require the owners of seines at or near the mouth of Chowan river to stake out the middle of the channel, &c. ;

An act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified 11th February, 1855, and an act amendatory thereto.

An act to add certain sections to Battle's Revisal.

An act to authorize the issue of bends, and to provide for the redemption of the same ;

An act to establish a turnpike road from the town of Statesville, Iredell county, to the Virginia line ;

An act to incorporate the Seaboard and Raleigh Railroad Company.

Mr. Seymour moved that the Senate do now adjourn until the 12th day of January, 1874, at 12 M.

The motion prevailed.

Thereupon the President addressed the Senate as follows:

SENATORS:—As we are now about to separate as a legislative body until after the Christmas holidays, it only remains for me to wish you the enjoyment of good health and a happy Christmas at home with your families and friends. Christmas is said to be the day of the nativity of our Saviour, and therefore its annual return is singularly welcomed as a day of unusual joy and happiness. It is a day hallowed by our traditions on account of that most glo-

rious and wonderful event when the morning stars sang together and the children of God shouted for joy.

In the temperate and delightful climate, in Bethlehem of Judea, about one thousand eight hundred and seventy-three years ago, according to our computation of time, while the shepherds were keeping watch over their flocks by night, the angel of the Lord shone round about them, and said unto them, "Fear not, for behold I bring you good tidings of great joy, which shall be to all people;" and suddenly there appeared a multitude of the heavenly host praising God, and saying, "On earth peace, good will toward men."

It seems to be peculiarly appropriate at this eventful season, when the fruits and products of the earth have been garnered, to cultivate and cherish a spirit of friendship, good will and charity for all.

Let us forgive and forget the unworthy bickerings of the past, and indulge and cherish patriotic and laudable hopes and aspirations for the common good of our common country.

Your legislative acts, Senators, may be somewhat likened to the parable of the sower, who went out to sow seed; and some fell by the wayside, and were devoured by the fowls of the air; some fell on stony ground, and were scorched by the sun, and withered away; some fell among thorns, and the thorns grew up and choked them, and they yielded no fruit. But the seed which fell on good ground sprang up and increased and brought fourth abundantly. So may it be with your legislation.

Senators, I again wish you a safe return to your respective homes.

This Senate stands adjourned until 12 o'clock on the 12th day of January next.



## THIRTY-FIRST DAY.

SENATE CHAMBER, January 12, 1874.

The Senate met pursuant to adjournment at 12 M., and the President addressed the Senate as follows :

SENATORS: You have again assembled as a legislative body to attend to the public interests and to enact such laws as you may deem necessary and expedient.

It is a part of your business to make the necessary provision for the support of the Insane Asylum, the Institution for the Deaf and Dumb and the Blind, and also for the Penitentiary. I believe they are as well managed at present as they ever have been, and that the efficient, polite and accomplished superintendents of these charitable Institutions employ the means at their command to promote the welfare and happiness of those under their control.

In revising our revenue law, you will bear in mind that our Constitution provides that "laws shall be passed taxing, by uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and also all real and personal property according to its true value in money."

It provides that "the General Assembly may also tax trades, professions, franchises and incomes," and that it "shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each to the property valued at three hundred dollars in cash.

Our free public school system needs some improvement by which it may be made more beneficial and useful to those for whom free schools are established.

The main impediment to the success and prosperity of our free schools at present is the need of more money for their necessary support.

A due regard to the financial condition of the State would seem to suggest the practice of economy in your legislation.

In my opinion, as a general rule, special and class legisla-

tion should be avoided as far as possible. All unjust discriminations against the farming interests should be prevented, and all men should have equal and exact justice. In passing acts creating corporations whose main objects are gain and profit, regulations and provisions should be inserted in them providing that the people may be protected from loss through mismanagement and fraud. It is the paramount purpose of wise legislation to guard and protect the rights and interests of the people. May your legislation, Senators, be just, wise and judicious, and calculated to foster and encourage honest industry and labor, and to promote and protect the agricultural, mechanical, manufacturing and commercial interests of all our people. May you sink and efface party differences in laudable and patriotic efforts to promote the public good and to maintain and preserve the honor and credit of North Carolina.

The difficulties which existed between the United States and Spain, when you assembled here in session in November last, have been honorably settled, and desolations of war avoided; and let us hope that all future national difficulties may be peaceably settled by negotiation.

We have abundant cause for sincere and grateful thanks to Almighty God for His kind and merciful preservation of our health and lives thus far during our present term of service.

And now, Senators, may a spirit of concord and harmony prevail and preside in all your deliberations and may your legislation redound to the prosperity and happiness of the people.

A quorum of all the Senators elect being present, the journal of the 22d December, 1873, was read.

Mr. Mabson presented a memorial from the Board of County Commissioners of New Hanover county, which was read.

The Chair designated Messrs. Ellis, of Columbus, Seymour and Morehead, as the select committee on S. B. No.



239, H. B. No. 227, A bill to be entitled an act to regulate the price of Battle's Revisal.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Morehead of Guilford: A bill to be entitled an act to amend an act to amend the charter of the North Carolina Railroad and for other purposes, ratified 20th day of December, 1873. Placed on the Calendar.

On motion of Mr. Avera, it was ordered that S. B. No. 349, A bill to be entitled an act for the better care and protection of the orphan children of the State, be placed on the Calendar and printed.

On motion, the Senate adjourned until 11 A. M., to-morrow.

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### THIRTY-SECOND DAY.

SENATE CHAMBER, January 13th, 1874.

The Journal of yesterday was read.

The following named petitions were presented and disposed of, as follows :

By Mr. Ellis of Columbus: Petition from citizens of Columbus county and Robeson county praying for an appropriation of money to build bridges and roads in Robeson county. Referred to the Committee on Propositions and Grievances.

Petition from citizens of Bladen county praying a local prohibitory law, to be left to the voters of townships. Referred to the Committee on Propositions and Grievances.

By Mr. Cramer: Petition from citizens of Davidson county in relation to the sale of spirituous liquors within two miles of Reid's church, in said county. Referred to the Committee on Propositions and Grievances.

By Mr. Mabson: Petition from citizens of New Hanover county. Ordered to accompany S. B. 185, a bill to be entitled an act to establish a new county by the name of Jefferson.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Ellis of Columbus: A bill to be entitled an act to amend the Code of Civil Procedure, title 9, chapter 4, section 202. To the Committee on Judiciary.

A bill to be entitled an act to amend title II, chapter 1, section 256 of the Code of Civil Procedure. To the Committee on Judiciary.

By Mr. Humphrey: A bill to amend chapter 33 of Battle's Revisal, entitled Criminal Proceedings. To the Committee on Judiciary. Ordered to be printed.

A bill to amend chapter 32 of Battle's Revisal, entitled Crimes and Punishments. To the Committee on Judiciary. Ordered to be printed.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 354: A bill to amend an act to amend the charter of the North Carolina Railroad Company and other purposes, ratified the 20th December, 1873. Read and passed second time. The bill was read third time.

Mr. Flemming moved to amend by adding the following words as a new section:

"SECTION 2. This act shall take effect from and after its ratification."

The amendment prevailed and the bill passed third time.

Yeas 35, nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, King, Mabson, McCabe, Miller, Morehead of Guilford, Morehead



of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—35.

*Nays*—None.

Bills on third reading were acted on, as follows:

S. B. No. 55: A bill to authorize public schools in cities and towns of more than two thousand inhabitants. The bill was read third time.

Mr. Cunningham moved to amend by striking out the words "one fourth," and inserting in lieu thereof the words "one eighth," in the proviso to section 2. The amendment prevailed.

Mr. McCauley moved to amend by adding the following to section 1:

"On the reverse side of his ticket the elector shall endorse his name, together with the assessed value of his property, if any, to be fixed and ascertained by his return for taxation; and in determining the result each ticket shall be counted one vote, and also one vote for every three hundred dollars' worth of property represented by the elector."

Mr. Avera moved that the bill be laid upon the table.

The yeas and nays were ordered on demand of Mr. Avera, and the motion prevailed. Yeas 21, nays 13.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Dunham, Fleming, Gudger, Horton, Humphrey, King, McCauley, Merimou, Murray, Nicholson, Powell, Price, Scott, Stafford, Troy, Waring, Welch and Worth—21.

*Nays*—Messrs. Cramer, Cunningham, Ellis of Columbus, Harris, Hyman, Mabson, McCabe, Miller, Morehead of Guilford, Norwood, Seymour, Smith and Walker—13.

Mr. Waring moved to reconsider the vote just had, and to make that motion the special order for Tuesday, the 20th instant, at 11½ o'clock, A. M.

Mr. King moved that that motion lie upon the table.

The yeas and nays were ordered on demand of Mr. Avera, and the motion to lay on the table did not prevail. Yeas 15, nays 21.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Davis, Dunham, Flemming, Gudgeor, King, McCauley, Nicholson, Powell, Price, Stafford, Troy and Worth—15.

*Nays*—Messrs. Cramer, Cunningham, Harris, Holloman, Horton, Hyman, Mabson, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Smith, Walker, Waring and Welch—21.

The question then recurring on the motion to make the motion to reconsider the special order for Tuesday, the 20th instant, at 11½ A. M., it prevailed.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 185, a bill to be entitled an act to establish a new county by the name of Jefferson. This bill was read second time.

Mr. Murphy moved to amend by striking out the word "Jefferson" wherever it occurred in the bill, and inserting the word "Lillington" in lieu thereof. The amendment prevailed.

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the passage of the bill on its second reading, the yeas and nays were ordered on demand of Mr. Mabson, and the bill passed second time. Yeas 26, nays 7.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Columbus, Flemming, Horton, Humphrey, King, McCauley, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Troy, Waring, Welch and Worth—26.

*Nays*—Messrs. Harris, Holloman, Hyman, Mabson, McCabe, Seymour and Smith.

On motion, the further consideration of the bill was made special order for 11½ o'clock A. M., to-morrow.



On motion the Senate adjourned until 11 o'clock, A. M., to-morrow.

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THIRTY-THIRD DAY.

SENATE CHAMBER, January 14th, 1874.

Journal of yesterday was read.

Mr. Mabson presented petitions from citizens of Cape Fear, Union and Burgaw Townships, of New Hanover county, protesting against the passage of S. B. No. 185, A bill to be entitled an act to establish a new county by the name of Lillington, which were read and ordered to accompany said bill.

Leave of absence was granted to Mr. Cowles indefinitely, on account of sickness; to Mr. Ellis of Catawba, for Monday and Tuesday; and Mr. McCauley for Friday and Saturday of this week, and to Mr. Hill for this week.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 36, H. B. No. 292, A bill to be entitled an act concerning incorporated towns and villages, with an amendment.

On motion, the Senate concurred in the amendment as adopted by the House of Representatives and the bill was ordered to be enrolled for ratification.

A message was also received from the House of Representatives transmitting a memorial from the President and Board of Directors of the North Carolina Railroad Company, with a proposition to print the same. The Senate concurred in the proposition to print.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Ransom: A bill to be entitled an act to incorpo-

rate Leota Lodge, in Columbia, Tyrrell county. To Committee on Corporations.

By Mr. Troy: A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance. To the Committee on Corporations.

A bill to be entitled an act to incorporate Fayetteville Masonic Lodge, No. 329, of Fayetteville. To the Committee on Corporations.

A bill to be entitled an act to prevent the sale of spirituous liquors in certain localities. To the Committee on Propositions and Greivances.

By Mr. Norwood: A bill to be entitled an act authorizing the employment of convict labor by the State Agricultural Society of North Carolina. To the Committee on Penal Institutions.

By Mr. Ellis of Columbus: A bill to be entitled an act to amend an act to give to the officers of cities and towns the jurisdiction of Justices of the Peace. To the Committee on the Judiciary.

The following named resolution was introduced, read and disposed of, as follows:

By Mr. Waring: Resolution concerning the appointment of judicial officers. Referred to the Committee on Judiciary.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 185, A bill to be entitled an act to establish a new county by the name of Lillington. The bill was read third time.

Mr. Mabson moved to amend by adding the following to section 2:

*“Provided, That this act shall not take effect until ratified by a majority of the qualified voters who reside in the territory out of which said county is to be formed.”*

Mr. Humphrey moved the previous question, and the



Senate ordered the main question to be put. The question then recurring on the amendment offered by Mr. Mabson, the yeas and nays were ordered and the amendment did not prevail. Yeas 17; nays 22.

*Yeas.*—Messrs. Cramer, Cunningham, Eppes, Gudger, Harris, Holloman, Hyman, Johnston, King, Long, Love, Mabson, McCabe, Morehead<sup>d</sup> of Guilford, Ransom, Seymour, Smith and Walker—17.

*Nays.*—Messrs. Allen, Avera, Barnhardt, Davis, Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Troy, Waring and Worth—22.

The question then recurring on its passage, the bill passed third time. Yeas 25; nays 12.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, King, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Troy and Worth—25.

*Nays.*—Messrs. Cramer, Eppes, Gudger, Harris, Holloman, Hyman, Long, Mabson, McCabe, Seymour, Smith and Walker—12.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The Senate then proceeded to consider the next special order, to-wit: S. B. No. 317, H. B. No. 230, A bill to be entitled an act to amend an act to incorporate the New River Canal Company. The bill was read second time. The amendments proposed by the Committee on Internal Improvements prevailed and the bill passed second time. Yeas 28; nays none.

*Yeas.*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Columbus, Gudger, Holloman, Horton, Johnston, Long, Love, McCabe, McCauley, Miller, Morehead of Rock-

ingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Troy, Walker, Waring and Worth—28.

*Nays.*—None.

On motion, the bill was referred to the Committee on Corporations and made special order for Monday, the 19th instant, at 12 M.

Bills were acted on under a suspension of the rules, as follows :

S. B. No. 306 : A bill to be entitled an act of annual appropriation for the Institution for the Deaf and Dumb and the Blind. Made special order for to-morrow at 1 P. M.

S. B. No. 169 : A bill to be entitled an act for the support, repairs, improvement and payment of the debts of the Insane Asylum for the year 1874. Made special order for to-morrow at 12½ P. M.

S. B. No. 261 : A bill to be entitled an act to make uniform the rate of interest in North Carolina. Made special order for Tuesday, the 20th instant, at 12 M.

On motion, the Senate adjourned until 11 o'clock, A. M., to-morrow.

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### THIRTY-THIRD DAY.

SENATE CHAMBER, January 15th, 1874.

Journal of yesterday was read.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the amendment adopted by the House of Representatives to S. B. No. 36, H. B. No. 292, a bill to be entitled an act concerning incorporated towns and villages, and had ordered the bill to be enrolled for ratification, and that the Senate had also concurred in the proposition to print the memorial



from the President and Board of Directors of the North Carolina Railroad Company.

Indefinite leave of absence was granted to Mr. Davis on account of sickness.

Reports from standing committees were submitted, as follows :

From Committee on Judiciary :

By Mr. Morehead of Guilford, S. B. No. 251: A bill to be entitled an act to amend chapter 104, section 41, Battle's Revisal, with a recommendation that it do pass.

S. B. No. 296: A bill to be entitled an act to amend chapter 136 of the laws of 1871-'72, in reference to the Probate Courts of this State, with a recommendation that it do not pass.

By Mr. Price, S. B. No. 197, H. B. No. 46: A bill to be entitled an act to create a laborers and mechanics' lein law, and for other purposes, with a recommendation that it do not pass.

By Mr. Merrimon, S. B. No. 325: A bill to be entitled an act to give to Burke and Rutherford counties the proceeds of the vacant lands therein, with an amendment in the nature of a substitute.

From Committee on Propositions and Grievances.

By Mr. Avera, S. B. No. —, H. B. No. 307: A bill to be entitled an act to allow the commissoners of Stanley county to levy a special tax, with accompanying amendment.

S. B. No. 357: Petition from citizens of Columbus county praying for an appropriation of money to build bridges and roads in Robeson county, with a request that the committee be discharged from the further consideration thereof.

Mr. Ellis of Columbus, from the Select Committee on S. B. No. 239, H. B. No. 227: A bill to be entitled an act to regulate the price of Battle's Revisal, reported that the committee had examined the bill and recommended that it do not pass.

The following named bills and resolution were introduced,

read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 243 : A bill to be entitled an act to create an additional term of the Superior Court for the county of Edgecombe. To the Committee on Judiciary.

H. R. No. 56 : Resolution in favor of P. McGowan. To the Committee on Claims.

H. B. No. 274 : A bill to be entitled an act to incorporate the town of Germanton, in the county of Stokes. To the Committee on Corporations.

H. B. No. 168 : A bill to be entitled an act to appoint a Public Guardian. To the Committee on Judiciary.

H. B. No. 257 : A bill to be entitled an act to incorporate the town of Teachey's, in Duplin county. To the Committee on Corporations.

H. B. No. 381 : A bill to be entitled an act to prohibit the sale of liquors in certain localities in Chatham county. To the Committee on Propositions and Grievances.

H. B. No. 261 : A bill to be entitled an act to authorize the collection of arrearages of taxes in the town of Statesville. To the Committee on Propositions and Grievances.

H. B. No. 253 : A bill to be entitled an act to legalize the acts of the commissioners of Watauga county. To the Committee on Judiciary.

H. B. No. 355 : A bill to be entitled an act to incorporate Free Love Lodge, No. 1469, Grand United Order of Odd Fellows. To the Committee on Corporations.

H. B. No. 273 : A bill to be entitled an act to incorporate the town of Sanford, in the county of Moore. To the Committee on Corporations.

H. B. No. 235 : A bill to be entitled an act to incorporate Sandy Cross Colored Farmers' Mutual Aid Society, of Gates county. To the Committee on Corporations.

H. B. No. 285 : A bill to be entitled an act to enable the



Board of Commissioners of Gates county to sell land. To the Committee on Propositions and Grievances.

By Mr. Morehead of Rockingham: A bill to be entitled an act explaining section 32, of chapter 26, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Seymour: A bill to be entitled an act to incorporate the North Carolina Society for the prevention of cruelty to animals. To the Committee on Judiciary.

By Mr. Ellis of Columbus: A bill to be entitled an act to prohibit the sale of intoxicating liquors within three miles of Shady Grove Baptist church, in Bladen county. To the Committee on Propositions and Grievances.

By Mr. Stafford: A bill to be entitled an act to incorporate the Piedmont Spring Company. To the Committee on Corporations.

A bill to be entitled an act to make wagoners responsible for damage done by fire originating from their camps. To the Committee on Judiciary.

By Mr. McCauley: A bill to be entitled an act to punish illegal marriages. To the Committee on Judiciary.

By Mr. Avera: Resolution in favor of W. C. Thurston. To the Committee on Propositions and Grievances.

By Mr. Waring: A bill to be entitled an act to tax dogs, and for other purposes. To the Committee on Agriculture, Mechanics and Mining.

By Mr. Barnhardt: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Coddle Creek Associated Reform Presbyterian Church and Academy, in the county of Iredell. To the Committee on Propositions and Grievances.

By Mr. Ransom: Resolution in favor of the sheriff of Tyrrell county. To the Committee on Propositions and Grievances.

By Mr. Powell: A bill to be entitled an act to prevent the sale of spirituous liquors in one mile of Gulf Mills, Chat-

ham county. To the Committee on Propositions and Grievances.

By Mr. Harris: Resolution in favor of M. A. Bledsoe. To the Committee on Judiciary.

Bills on third reading were acted, on as follows:

S. B. No. 68, H. B. No. 13: A bill to be entitled an act to prevent the felling of trees in Richland Creek, in the county of Guilford, and for other purposes. Read and laid on the table.

S. B. No. 236, H. B. No. 145: A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax. Read and passed third time. Yeas 21; nays 10.

*Yeas*—Messrs. Avera, Barnhardt, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Holloman, Johnston, Mabson, McCabe, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Troy, Walker and Worth—21.

*Nays*—Messrs. Allen, Dunham, Eppes, Gudger, Horton, King, Long, Love, Merrimon and Ransom—10.

S. B. No. 155: A bill to be entitled an act to amend chapter 189 of the laws of 1870-'71. Read and referred to the Committee on Corporations.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 51, H. B. No. 15: A bill to be entitled an act for the relief of N. C. Coor. Taken from the table and replaced on the Calendar.

S. B. No. 349: A bill to be entitled an act for the better care and protection of the orphan children of the State. Made special order for Wednesday, the 21st instant, 12 M.

Bills on second reading were acted on, as follows:

S. B. No. 6: A bill to be entitled an act in relation to special terms of the Superior Courts. The bill was read second time. The amendments proposed by the Committee on Judiciary prevailed, and the bill passed second time.

S. B. No. 10: A bill to be entitled an act to amend sec-



tion 13 of chapter 64 of Battle's Revisal, entitled Landlord and Tenant. Read and laid on the table.

S. B. No. 13: A bill to be entitled an act to amend chapter 117 of Battle's Revisal, entitled Widows. Read and laid on the table.

S. B. No. 27: A bill to be entitled an act to prevent whipping in the State's prisons and jails. Referred to the Committee on Penal Institutions.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 340, a bill to be entitled an act to enlarge the Insane Asylum of North Carolina, and for the better government of the same. The bill was read second time, and, on motion, made special order for Tuesday next, the 20th instant, at 1 P. M., and ordered to be printed.

At 12½ P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 189, a bill to be entitled an act for the support, repairs, improvement and payment of the debts of the Insane Asylum for the year 1874. The bill was read and passed second time, and, on motion, made special order for Saturday, the 17th instant, at 12 M.

At 1 P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 306, a bill to be entitled an act of annual appropriation for the Institution for the Deaf and Dumb and the Blind. The bill was read second time.

Mr. Waring moved to amend by striking out "\$46,500," and inserting "\$39,000" in lieu thereof.

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the amendment offered by Mr. Waring, the yeas and nays were ordered, and the amendment did not prevail. Yeas 11, nays 26.

*Yeas*—Messrs. Barnhardt, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Miller, Nicholson, Powell and Waring—11.

*Nays*—Messrs. Allen, Avera, Cramer, Eppes, Flemming, Gudger, Harris, Holloman, Humphrey, Hyman, Johnston, King, Love, Mabson, McCabe, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Ransom, Scott, Troy, Walker and Worth—26.

The question then recurring on the passage of the bill, the yeas and nays were ordered on demand of Mr. Waring, and the bill passed second time. Yeas 30, nays 6.

*Yeas*—Messrs. Allen, Avera, Cramer, Cunningham, Dunham, Eppes, Flemming, Gudger, Harris, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, Mabson, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Troy, Walker and Worth—30.

*Nays*—Messrs. Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Powell and Waring—6.

On motion the further consideration of the bill was made special order for 11½ A. M. to-morrow.

The following named bills, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 185: A bill to be entitled act to establish a new county by the name of Lillington.

S. B. No. 354: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes, ratified 20th day of December, 1873.

The following named acts reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to make valid the proceedings heretofore had in the courts of this State in cases of divorce and alimony.

An act to amend an act to change the dividing line between the counties of Granville and Franklin.

On motion, the Senate adjourned until 11 o'clock, A. M., to-morrow.



## THIRTY-FOURTH DAY.

SENATE CHAMBER, January 16, 1874.

Journal of yesterday was read.

Mr. McCabe presented a petition from the citizens of Edgecombe county in relation to transferring said county to the Sixth Judicial District, which was referred to the Committee on Judiciary.

Mr. Eppes presented a petition from citizens of Ringwood, Halifax county, praying the passage of a bill to prohibit the sale of spirituous liquors within one mile of St. Clement's Church, which was referred to the Committee on Propositions and Grievances.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act concerning incorporated towns and villages.

An act regulating the time of holding the terms of the Superior Court of the Fourth Judicial District, and for other purposes.

Reports from standing committees were submitted, as follows :

From Committee on Corporations :

By Mr. Morehead of Rockingham, S. B. No. 368 : A bill to be entitled an act to incorporate the Piedmont Springs Company, with accompanying amendment.

S. B. No. 255 : A bill to be entitled an act to amend chapter 189 of the laws of 1870-'71, with accompanying amendment.

By Mr. Avera, S. B. No. 317, H. B. No. 230 : A bill to be entitled an act to incorporate the New River Canal Company, with a recommendation that it do pass.

S. B. No. 382, H. B. No. 365 : A bill to be entitled an act to incorporate Free Love Lodge, No. 1,469, Grand United

Order of Odd Fellows, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 392: A bill to be entitled an act to amend chapter 85, Private Laws of 1871-'72, with an amendment in the nature of a substitute.

From Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 335: A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From Committee on Judiciary:

By Mr. Flemming: A bill to be entitled an act to amend chapter 64, entitled landlord and tenant, of Battle's Revisal, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

S. B. No. 62, A bill to be entitled an act to amend Title II, chapter 17, Code of Civil Procedure, Battle's Revisal, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Gudger, S. B. No. 304: A bill to be entitled an act to pay jurors in certain cases, with a recommendation that it do not pass.

By Mr. Seymour, S. B. No. 315, H. B. No. 25: A bill to be entitled an act to re-enact an act of the Private Laws of 1868-'69, with a recommendation that it do pass.

By Mr. Merrimon, S. B. No. 208: A bill to be entitled an act to amend sections 264, 265, 270 and 273, of the Code of Civil Procedure, with a recommendation that it do not pass.

S. B. No. 367: A bill to be entitled an act to amend an act to give to the officers of cities and towns the jurisdiction of Justices of the Peace, with accompanying amendments.

S. R. No. 379: Resolution in favor of M. A. Bledsoe, with a recommendation that it do not pass.

On motion, the resolution was laid on the table.

Mr. Ellis of Columbus presented a report from the Committee on the Insane Asylum, which was ordered to be printed.

A message was received from the House of Representa-



tives informing the Senate that that body had passed S. B. No. 340, H. B. No. 221: A bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, with an amendment.

On motion, the Senate concurred in the House amendment and the bill was ordered to be enrolled for ratification.

A message was also received from the House of Representatives informing the Senate that that body had passed S. B. No. 179, H. B. No. 311: A bill to be entitled an act to amend the charter of the Fair of the Carolinas, at Charlotte, with certain amendments.

On motion, the Senate concurred in the House amendments and the bill was ordered to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Morehead of Rockingham: A bill to be entitled an act in relation to Ruffin, North Carolina. To the Committee on Propositions and Grievances.

By Mr. Ellis of Catawba: A bill to be entitled an act to authorize the town of Hickory, in the county of Catawba, to issue bonds for the purpose of aiding the Carolina Central Railway in extending their railway, and for other purposes. Placed on the Calendar.

By Mr. Johnston: A bill to be entitled an act to authorize Judges to appoint members of the bar to preside in certain causes. To the Committee on Judiciary.

By Mr. Seymour: A bill to be entitled an act to amend the charter of the Neuse River Ferry Company. To the Committee on Corporations.

By Mr. Powell: A bill to be entitled an act to prevent the sale of spirituous liquors within one mile of Solomon Seymour's, in Chatham county. To the Committee on Propositions and Grievances.

By Mr. Stafford: A bill to be entitled an act to authorize

the commissianers of Stokes county to have the town lots of Danbury resurveyed. To the Committee on Corporations.

By message from the House of Representatives, H. B. No. 272: A bill to be entitled an act to incorporate the United Brotherhood, of Newbern, North Carolina. To the Committee on Corporations.

H. B. No. 364: A bill to be entitled an act for the relief of the sureties of the late Wm. A. Walton. To the Committee on Finance.

H. B. No. 123: A bill to amend chapter 197, laws of 1871-'72, entitled an act to empower the Superior Court Judge to appoint a commissioner in certain cases for the settlement of estates. To the Committee on Judiciary.

H. B. No. 304: A bill to be entitled an act to incorporate Centre Presbyterian Church, in the county of Iredell. To the Committee on Corporations.

H. B. No. 234: A bill to be entitled an act to amend chap. 19, laws of 1872-'73, entitled an act to change the name of the town of Boon Hill, in Johnston county, and prohibiting the sale of spirituous liquors therein. To the Committee on Propositions and Grievances.

H. B. No. 38: A bill to establish a turnpike road from the town of Winston, in the county of Forsythe, via Yadkinville, in the county of Yadkin, to the town of Wilkesborough, in the county of Wilkes. To the Committee on Internal Improvements.

H. B. No. 276: A bill to be entitled an act to change the line between the counties of Swain, Graham and Macon, near the residence of Jeff. George. To the Committee on Propositions and Grievances.

H. B. No. 65: A bill to be entitled an act to require county officers and magistrates to turn over Battle's Revisal to their successors in office. To the Committee on Judiciary.

H. B. No. 196: A bill to be entitled an act to save harmless honest representatives of the estates of deceased persons. To the Committee on Judiciary.



H. B. No. 256: A bill to make entry-takers of certain counties *ex officio* county agents. To the Committee on Judiciary.

H. B. No. 286: A bill to amend chapter 110, laws of 1856-'57, in regard to the town of Salem. To the Committee on Corporations.

H. B. No. 330: A bill to be entitled an act for the relief of certain officers and tax-payers in Nash county. To the Committee on Propositions and Grievances.

By Mr. McCabe: A bill to prevent the storing of guano and other fertilizers within the corporate limits of the town of Tarboro. To the Committee on Propositions and Grievances.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 306, a bill to be entitled an act of annual appropriation for the Institution for the Deaf and Dumb and the Blind. The bill was read and passed third time. Yeas 35; nays 3.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Eppes, Flemming, Gudger, Harris, Holloman, Hyman, Johnston, King, Long, Love, Mabson, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Tray, Walker and Worth—35.

*Nays*—Messrs. Ellis of Columbus, Horton and Waring—3.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the public debt.

The question recurring on the amendment heretofore offered by Mr. Norwood, that Senator moved to amend the same as follows:

“In section 2 strike out “requiring” and insert “requires” in lieu thereof. Add to section 3, “and by causes which we, as a State, had no power to prevent or control. And

add to section 4 the words, "or at least should lend to the State such financial aid and credit as will enable us to provide for the total extinction of the debt without oppressing the people."

The amendment prevailed.

Mr. Morehead of Guilford moved to amend by adding the following to section 5:

*"And provided, further,* That it shall be the duty of the Auditor to ascertain on the first day of April, 1875, and annually thereafter, the amount of bonds so exchanged, and he shall order the collection of a sufficient amount of taxes as above provided to pay the interest on the amount of bonds so exchanged, according to the provisions of this act.

On motion, the Senate adjourned until 11 A. M., to-morrow.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER, January 17th, 1874.

Journal of yesterday was read.

Mr. King presented a petition from citizens of Greene county, which was referred to the Committee on Propositions and Grievances.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the amendments adopted by it to S. B. No. 340, H. B. No. 221, a bill to be entitled an act to incorporate the Diamond Cotton Chopper and Cultivator Company, and to S. B. No. 179, H. B. No. 311, a bill to be entitled an act to amend the char-



ter of the Fair of the Carolinas, at Charlotte, and had ordered the bills to be enrolled for ratification.

Leave of absence was granted to Mr. Todd until Monday next.

Reports from standing committees were submitted, as follows :

From Committee on Penal Institutions :

By Mr. Troy : A bill to be entitled an act authorizing the employment of convict labor by the State Agricultural Society of North Carolina, with accompanying amendment.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 218, H. B. No. 327, a bill to be entitled an act to incorporate the People's Bank of Monroe, with an amendment.

On motion, the Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

A message was also received from the House of Representatives informing the Senate that that body had passed S. B. No. 4, H. B. No. 348, a bill to be entitled an act to repeal chapter 101, Private Laws of 1870-'71, and to repeal section 2, of chapter 95, Private Laws of 1871-'72, with an amendment.

On motion, the Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

A message was also received from the House of Representatives informing the Senate that that body had concurred in the amendments adopted by the Senate to S. B. No. 186, H. B. No. 95, a bill to be entitled an act for the relief of sheriffs and tax collectors, and had ordered the bill to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Powell : A bill to be entitled an act to ensure the early completion of the Western Railroad to Ore Hill, in

Chatham county. To the Committee on Internal Improvements.

By Mr. Seymour: A bill to be entitled an act to amend an act, ratified the 5th day of April, 1871, entitled an act to enable aliens to take, hold and convey lands. To the Committee on Judiciary.

By Mr. Cunningham: Resolution authorizing subscription for Educational Journal. To the Committee on Education.

By Mr. Barnhardt: A bill to be entitled an act to amend an act passed during the present session, and for other purposes. To the Committee on Corporations.

By Mr. McCauley: A bill to be entitled an act to authorize A. F. Stevens, sheriff of Union county, to collect arrears of taxes. To the Committee on Propositions and Greivances.

Mr. Ellis of Columbus moved that the order heretofore had making the consideration of S. B. No. 189, a bill to be entitled an act for the support, repairs, improvement and payment of the debts of the Insane Asylum for the year 1874, the special order for 12 M. to-day be rescinded, and that the consideration thereof be made the special order for Monday next, the 19th instant, at 11½ o'clock, A. M. The motion prevailed.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: S. B. No. 241, a bill to adjust the State Debt. The question then recurring on the amendment offered on yesterday by Mr. Morehead of Guilford, it prevailed.

Mr. Morehead of Guilford moved to amend by striking out the words "8½ cents on the poll," in line 4, section 5, and inserting the words "75 cents on the poll." The amendment prevailed.

Mr. Morehead of Guilford moved that the further consideration of the bill be postponed until Monday next, 12 M., and made special order for that hour. The motion prevailed.



On motion of Mr. Miller, S. B. No. 326, a bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the town of Shelby, Cleaveland county, was taken from the table and recommitted to the Committee on Propositions and Grievances.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Amendments to S. B. No. 236, H. B. No. 145 : A bill to be entitled an act to allow the commissioners of Anson county to levy a special tax.

The following named acts, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate the Diamond Cotton Chopper and Cultivator Company.

An act to incorporate the town of Concord, in Cabarrus county, chapter 329, ratified January 28, 1851.

On motion, the Senate adjourned until 11 o'clock, A. M., Monday.

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### THIRTY-SIXTH DAY.

SENATE CHAMBER, January 19th, 1874.

The journal of Saturday was read.

Reports from standing committees were submitted, as follows :

Prom Committee on Judiciary :

By Mr. Price, S. B. No. 361 : A bill to be entitled an act to amend Title II, chapter 1, section 256 of the Code of Civil Procedure, with a recommendation that it do pass.

S. B. No. 360: A bill to be entitled an act to amend the Code of Civil Procedure, Title IX, chapter 4, section 202, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 322: A bill to amend section 115, chapter 31, of the Revised Code, with a recommendation that it do not pass. On motion, the bill was laid on the table.

By Mr. Morehead of Guilford, S. B. No. 352, H. B. No. 201: A bill to change the time for holding the Superior Courts of Randolph county, Seventh Judicial District, with accompanying amendment.

From Committee on Propositions and Grievances:

By Mr. Price, S. P. No. 289: Petition from the citizens of Mocksville, Davie county, in relation to the sale of spirituous liquors, with a request that the committee be discharged from the further consideration thereof. The committee was discharged.

By Mr. Love: S. B. No. 401, H. B. No. 276: A bill to be entitled an act to change the line between the counties of Swain, Graham and Macon, near the residence of Jefferson George, with a recommendation that it do pass.

S. B. No. 420: A bill to be entitled an act to authorize A. F. Stevens, sheriff of Union county, to collect arrears of taxes, with a recommendation that it do not pass.

S. B. No. 406, H. B. No. 330: A bill to be entitled an act for the relief of certain officers and tax payers in Nash county, with a recommendation that it do pass.

S. B. No. 398 A: bill to be entitled an act to prevent the storing of guano and other fertilizers within the corporate limits of the town of Tarboro, with a recommendation that it do not pass.

From Committee on Corporations:

By Mr. Smith, S. B. No. 363: A bill to be entitled an act to incorporate Leota Lodge, in Columbia, Tyrrell county, with accompanying amendment.

S. B. No. 365: A bill to be entitled an act to incorporate



Fayetteville Masonic Lodge, No. 329, at Fayetteville, with a recommendation that it do pass.

By Mr. Morehead of Rockingham, S. B. No. 405, H. B. No. 286: A bill to be entitled an act to amend chapter 110, laws of 1856-'57, in regard to the town of Salem, with a recommendation that it do pass.

S. B. No. 424: A bill to be entitled an act to amend an act passed during the present session, and for other purposes, with a recommendation that it do pass.

S. B. No. 411: A bill to be entitled an act to authorize the commissioners of Stokes county to have the town lots of Danbury resurveyed, with a recommendation that it do pass.

S. B. No. 397, H. B. No. 304: A bill to be entitled an act to incorporate Centre Presbyterian Church, in the county of Iredell, with a recommendation that it do pass.

S. B. No. 407: A bill to be entitled an act to amend the charter of the Neuse River Ferry Company, with a recommendation that it do pass.

S. B. No. 364: A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance, with a recommendation that it do pass.

From Committee on Education:

By Mr. Cunningham, S. R. No. 415: Resolution authorizing subscription for Educational Journal, with a recommendation that it do pass.

From Committee on Privileges and Elections:

S. B. No. 276: A bill to be entitled an act concerning elections of certain officers, with a recommendation that it be referred to the Committee on Judiciary.

The recommendation of the committee was concurred in.

Mr. Morehead of Guilford, from the Joint Select Committee to consult the Attorney General as to the effect of the amendment to the Constitution in reference to sessions of the General Assembly on the present session, presented the following opinion from that officer, which was read and ordered to be printed:

ATTORNEY GENERAL'S OFFICE,  
Raleigh, N. C., January 17th, 1874.

*To the Honorable, the Senate and House of Representatives of  
the General Assembly of North Carolina :*

Your committee, Messrs. Morehead of Guilford, of the Senate, and J. W. H. Paschall, of the House, have handed me a resolution adopted by both the Senate and the House of Representatives, requesting my opinion as to whether the adoption of the amendment to the Constitution providing for regular biennial instead of annual sessions of the General Assembly has the effect to stop the session being held at the time of the adoption of the amendment on the first Monday of December, 1873, and adjourns this General Assembly.

At the time the proclamation of the Governor announced the adoption of this amendment the General Assembly was in session, having met on the third Monday in November, 1873, under the Constitution as it existed prior to the amendment. The comparing of the vote on the amendments took place on the first Monday of December, 1873, as prescribed by the act submitting the proposed amendments to the decision of the people of the State. I think the General Assembly being in session according to the Constitution at that time, the adoption of the amendment did not have the effect to adjourn that body.

My opinion is that the operation of the amendment is prospective, and that the General Assembly may constitutionally continue the session until it adjourns *sine die* on its own motion, or until the expiration of the term of office of its members.

Very respectfully, your obedient servant,

T. L. HARGROVE,

*Attorney General.*

The following named bills and resolutions were intro-



duced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 214, a bill to be entitled an act to authorize the commissioners of Polk county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 392: A bill to be entitled an act to authorize the chairman of the board of commissioners of Cleveland county to make title to certain lots. To the Committee on Judiciary.

H. B. No. 269: A bill to be entitled an act to make valid certain divorce cases. To the Committee on Judiciary.

H. B. No. 159: A bill to be entitled an act to prohibit the sale of ardent spirits to minors. To the Committee on Propositions and Grievances.

H. R. No. 97: Resolution in favor of Josiah Turner, Jr. To the Committee on Claims.

H. B. No. 167: A bill to be entitled an act declaratory of the meaning of section 41, chapter 45, of Battle's Revisal, in regard to Executors and Administrators. To the Committee on Judiciary.

H. B. No. 192: A bill to be entitled an act to amend chapter 110, acts of 1870-'71, being an act to cure certain irregular proceedings at the jurisdiction of the Courts. To the Committee on Judiciary.

H. B. No. 298: A bill to be entitled an act to incorporate Nebo Camp Ground, in the county of McDowell. To the Committee on Corporations.

H. B. No. 323: A bill to be entitled an act to incorporate the town of Engelhard, in the county of Hyde. To the Committee on Corporations.

H. B. No. 305: A bill to be entitled an act to incorporate the Rough and Ready Fire Company, of Newbern. To the Committee on Corporations.

H. B. No. 209: A bill to be entitled an act to amend an act entitled an act to amend the charter of the city of Ral-

eight, ratified the 23d day of February, 1871. To the Committee on Corporations.

H. B. No. 67: A bill to be entitled an act to enable indigent persons to appeal to the Supreme Court. To the Committee on Judiciary.

H. B. No. 407: A bill to be entitled an act to change the time of holding the Superior Courts for the counties of Rockingham and Chatham, in the Seventh Judicial District. Placed on the Calendar.

H. B. No. 35: A bill to prohibit the sale of cotton within certain hours. Placed on the Calendar.

By Mr. Flemming: A bill to be entitled an act to amend section 198, of chapter IV, of chapter 17, of Battle's Revisal. To the Committee on Judiciary.

By Mr. McCauley: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Meadow Branch, in Union county. To the Committee on Propositions and Greivances.

A bill to be entitled an act concerning the deeds of married women. To the Committee on Judiciary.

By Mr. Ellis of Catawba: A bill to be entitled an act to amend an act entitled an act to incorporate the Horse Ford Manufacturing Company, ratified the 11th day of February, 1873. To the Committee on Corporations.

By Mr. Murphy: A bill to be entitled an act to amend chapters 39 and 26 of Battle's Revisal. To the Committee on Judiciary.

A bill to be entitled an act to amend chapter 68, Battle's Revisal. To the Committee on Education.

By Mr. Cowles: A bill to be entitled an act to amend chapter 71 of laws of 1871-'72, an act to create a finance committee in the several counties. To the Committee on Propositions and Grievances.

By Mr. Flemming: A bill to be entitled an act to incorporate the North Carolina Gold Amalgamating Company. To the Committee on Corporations.



The following named resolutions were introduced, read and disposed of, as follows :

By Mr. Ransom : Resolution in regard to the Albemarle and Chesapeake Canal. Laid over under the rules.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 189, a bill to be entitled an act for the support, repairs, improvement and payment of the debts of the Insane Asylum for the year 1874. The bill was read and passed third time. Yeas 28, nays none.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, Long, Mabson, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Smith, Todd, Walker and Waring—28.

*Nays.*—None.

Bills were acted on under a suspension of the rules, as follows :

H. B. No. 407: A bill to be entitled an act to change the time of holding the Superior Courts for the counties of Rockingham and Chatham, in the Seventh Judicial District. Read and passed second and third times. Yeas 29, nays 1.

*Yeas.*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Holloman, Horton, Johnston, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Scott, Stafford, Todd, Walker, Waring and Worth—29.

*Nay.*—Mr. McCotter—1.

H. B. No. 35: A bill to be entitled an act to prohibit the sale of cotton within certain hours. Read and passed second and third times. Yeas 36, nays 0.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Eppes, Flemming, Gudger, Holloman, Horton, Humphrey, Johnston,

Long, Love, Mabson, McCabe, McCauley, McCotter, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Smith, Todd, Walker, Waring, Welch and Worth—36.

*Nays*—None.

At 12 M the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 317, H. B. No. 230, a bill to be entitled an act to amend an act to incorporate the New River Canal Company. The bill was read third time.

Mr. Ransom offered the following amendment :

“Strike out section 22, and all other sections and parts of sections authorizing counties or towns to subscribe or endorse the bonds.”

The yeas and nays were ordered on demand of Mr. Humphrey, and the amendment did not prevail. Yeass 16, nays 22.

*Yeas*.—Messrs. Barnhardt, Cramer, Cunningham, Dunham, Holloman, Humphrey, Johnston, King, Long, McCotter, Morehead of Guilford, Norwood, Price, Ransom, Walker and Waring—16.

*Nays*.—Messrs. Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Love, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Scott, Todd, Welch and Worth—22.

Mr. Humphrey moved to amend by striking out section 2, and inserting in lieu thereof the following :

“SECTION 2. The said New River Canal Company shall be managed, governed and controlled by the following directors, who shall hold their offices for two years and until their successors shall be elected by the stockholders : G. W. Lamb, G. W. Bradham, A. J. Murrill. R. W. Ward, J. W. Shackelford, Adonizi McDaniel, J. F. Scott and M. F. Arendell. The said directors shall elect one of their number



President, and the books of subscription shall be under their direction and control."

The yeas and nays were ordered on demand of Mr. Humphrey, and the amendment did not prevail. Yeas 18; nays 21.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Eppes, Flemming, Holloman, Humphrey, Johnston, King, Long, Mabson, McCabe, McCotter, Norwood, Price, Ransom and Waring—18.

*Nays*—Messrs. Cramer, Davis, Dunham, Ellis of Columbus, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Scott, Smith, Todd, Walker, Welch and Worth—21.

Mr. Humphrey moved to amend by inserting the following as a new section :

"SECTION —. In case the counties shall be authorized to subscribe for stock in said company, or endorse any of its said bonds, the said county shall only be bound for the payment of the principal, but for no portion of the interest that may accrue on same."

The amendment did not prevail.

Mr. Ransom moved to amend by inserting the following as a new section :

"SECTION —. That the counties constituting the second senatorial district be excepted from subscribing to or endorsing bonds."

The amendment did not prevail, and the question recurring on its passage, the bill passed third time. Yeas 27; nays 13.

*Yeas.*—Messrs. Allen, Cowles, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Love, Mabson, McCabe, McCauley, Merrimon, Miller, More-

head of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Nays.*—Messrs. Barnhardt, Cramer, Cunningham, Dunham, Eppes, Holloman, Johnston, King, Long, McCotter, Norwood, Ransom and Smith—13.

The Senate then proceeded to consider the next special order, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State debt.

The bill was made special order for to-morrow at 12 M.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 306: A bill to be entitled an act of annual appropriation for the Institution for the Deaf and Dumb and the Blind.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend the charter of the Fair of the Carolinas.

An act for the relief of sheriffs and tax collectors.

An act to change the time of holding the Superior Courts for the counties of Rockingham and Chatham, of the Seventh Judicial District.

On motion, the Senate adjourned until 11 A. M. to-morrow.

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### THIRTY-SEVENTH DAY.

SENATE CHAMBER, January 20th, 1874.

Journal of yesterday was read.

Mr. Merrimon presented a petition from citizens of Bun-



combe county, which was referred to the Committee on Propositions and Grievances.

Mr. Allen presented a petition from citizens of Halifax county, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to the Engrossing Clerk indefinitely on account of sickness; to Mr. Hyman from Saturday until to-morrow, and to Mr. Ransom for to-day and to-morrow.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Morehead of Guilford, S. B. 379: A bill to be entitled an act explaining section 32 of chapter 26 of Battle's Revisal, with an amendment in the nature of a substitute.

From Committee on Corporations:

By Mr. Morehead of Rockingham, S. B. No. 438, H. B. No. 298: A bill to be entitled an act to incorporate the Nebo Camp Ground, in the county of McDowell, with a recommendation that it do pass.

By Mr. Smith, S. B. 433, H. B. No. 305: A bill to be entitled an act to incorporate the Rough and Ready Fire Company, No. 1, of Newbern, with a recommendation that it do pass.

By Mr. Price, S. B. No. 424: A bill to be entitled an act to incorporate the North Carolina Gold Amalgamating Company, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 443, H. B. No. 214: A bill to be entitled an act to authorize the commissioners of Polk county to levy a special tax, with accompanying amendment.

S. R. No. 375: Resolution in favor of W. C. Thurston, with a recommendation that it do pass.

From Committee on Finance:

By Mr. Worth, S. B. No. 264: A bill to be entitled an act to amend chapter 102 of Battle's Revisal, entitled Revenue, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

A bill to be entitled an act to amend the Revenue Act, with a recommendation that it do not pass.

S. B. No. 395, H. B. No. 364: A bill to be entitled an act for the relief of the sureties of the late Wm. A. Walton, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. King: A bill to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter. To the Committee on Finance.

By Mr. Harris: A bill to be entitled an act prohibiting the sale of liquor within two miles of Macedonia Church, Swift Creek Township, Wake county, North Carolina. To the Committee on Propositions and Grievances.

By Mr. Allen: A bill to be entitled an act to repeal chapter 48 of Battle's Revisal, so far as Scotland Neck, in Halifax county, is concerned. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 76: A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities. To the Committee on Propositions and Grievances.

H. B. No. 172: A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of any place of public worship in Stokes county upon the days of such worship. To the Committee on Propositions and Grievances.

The following resolution was introduced, read and disposed of, as follows:

By Mr. Waring; Resolution concerning the penal and benevolent institutions of the State. Laid over under the rules.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 261: A bill to be entitled



an act to make uniform the rate of interest in North Carolina. The bill was read third time.

Mr. Cowles moved that the further consideration of the bill be postponed and made special order for to-morrow at 11½ A. M., and that the bill be referred to the Committee on Banks and Currency. The motion prevailed.

The Senate then proceeded to consider the next special order, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State debt.

Mr. Cowles moved that the further consideration of this bill be postponed and made the special order for to-morrow at 12½ P. M., and that the Governor and Treasurer be requested to furnish the Senate with any correspondence which they might have in reference to an adjustment of the Public Debt. The motion prevailed.

The following named acts, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the People's Bank of Monroe.

An act to allow the commissioners of Anson county to levy a special tax.

An act to repeal chapter 101, Private Laws of 1870-'71, and to amend chapter 95, Private Laws of 1871-'72.

S. B. No. 106: A bill to be entitled an act to amend section 16, chapter 1, Title IV, Code of Civil Procedure, Battle's Revisal, was, under a suspension of the rules, read second time and recommitted to the Committee on Judiciary.

On motion, the Senate adjourned until 11 A. M., to-morrow.

## THIRTY-EIGHTH DAY.

SENATE CHAMBER, January 21, 1874.

Prayer by Rev. Dr. Mason.

Journal of yesterday was read.

The following named petitions were presented and referred to the Committee on Propositions and Grievances :

By Mr. Flemming: Petition from citizens of McDowell county.

By Mr. Troy: Petition from citizens of Cumberland county.

By Mr. Worth: Petition from citizens of Randolph county.

By Mr. Barnhardt: Petition from citizens of Stanley county.

Hon. Thomas J. Jarvis was, on motion, unanimously invited to a seat on the floor of the Senate.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Allen, S. B. No. 276: A bill to be entitled an act concerning elections of certain officers, with a recommendation that it do pass.

On motion, the bill was made special order for Friday, the 23d instant, at 12 M.

S. R. No. 69: Resolution concerning the appointment of judicial officers, without recommendation.

From Committee on Banks and Currency:

By Mr. Humphrey, S. B. No. 261: A bill to be entitled an act to make uniform the rate of interest in North Carolina, with accompanying amendment.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:



An act to incorporate the Ladies' Memorial Association, of Wilmington, N. C.

An act to amend an act to amend the charter of the N. C. R. R. Co., ratified 20th December, 1873.

Resolution legalizing certain acts of Entry Takers.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Seymour: A bill to be entitled an act to alter the name of Lucky Harrison Smith, of Craven County. To the Committee on Judiciary.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 261, a bill to be entitled an act to make uniform the rate of interest in North Carolina. The question recurring on the amendments proposed by the Committee on Banks and Currency, Mr. Humphrey called for a division of the question. The question then recurring on the first amendment of the committee as a substitute for section 2 of the bill, it prevailed.

The question then recurring on the amendment proposed by the committee, to add a new section, to be numbered section 3, the yeas and nays were ordered on demand of Mr. Cowles, and the amendment prevailed. Yeas 25, nays 23.

*Yeas*—Messrs. Avera, Barnhardt, Cunningham, Dnham, Ellis of Columbus, Eppes, Flemming, Harris, Humphrey, Hyman, Love, Mabson, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Powell, Scott, Seymour, Stafford, Troy, Walker, Waring and Worth—25.

*Nays*—Messrs. Allen, Cowles, Cramer, Davis, Ellis of Catawba, Grandy, Gudger, Holloman, Horton, Johnston, King, Long, McCabe, McCotter, Merrimon, Murphy, Nicholson, Norwood, Price, Ransom, Smith, Todd and Welch—23.

The question then recurring on the amendment proposed by the committee, to add sections 4 and 5, it prevailed.

Mr. Norwood moved to amend by inserting the following, as section 4:

“That any willful violation of the provisions of this act by any bank or other corporation shall work a forfeiture of its charter.”

Mr. Humphrey moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the amendment offered by Mr. Norwood, the yeas and nays were ordered on demand of Mr. Cowles, and the amendment prevailed. Yeas 32, nays 12.

*Yeas.*—Messrs. Allen, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Grandy, Harris, Holloman, Horton, Humphrey, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Scott, Stafford, Todd, Welch and Worth—32.

*Nays.*—Messrs. Avera, Barnhardt, Ellis of Columbus, Eppes, Gudger, Hyman, Mabson, Morehead of Rockingham, Seymour, Smith, Troy and Waring—12.

The question then recurring on its passage, the bill passed third time. Yeas 33, nays 14.

*Yeas.*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Flemming, Grandy, Holloman, Horton, Humphrey, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Ransom, Scott, Seymour, Smith, Todd, Walker and Welch—33.

*Nays.*—Messrs. Avera, Ellis of Columbus, Eppes, Gudger, Harris, Hyman, Mabson, Merrimon, Morehead of Rockingham, Murphy, Stafford, Troy, Waring and Worth—14.

Mr. Dunham moved to reconsider the vote just had.

Mr. Troy moved that the consideration of that motion be made special order for Wednesday, the 28th instant, at 11 o'clock, A. M.

Mr. Humphrey moved that the motion to reconsider lie on the table.

Mr. Gudger moved that the Senate do now adjourn until



11 o'clock, A. M., to-morrow. The motion to adjourn prevailed.

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THIRTY-NINTH DAY.

SENATE CHAMBER, January 22, 1874.

Journal of yesterday was read.

Mr. Avera presented a petition from citizens of Johnston county praying that the sale of spirituous liquors be prohibited within three miles of Fellowship church, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Morehead of Rockingham for four days, and to Mr. McCauley for six days.

The President announced a message from His Excellency, the Governor, making nominations for certain officers.

Reports from standing committees were submitted, as follows:

From Committee on Finance :

By Mr. Worth : A bill to be entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter, with accompanying amendment.

S. B. No. 178 : A bill to be entitled an act regulating interest, with a recommendation that it do not pass.

From Committee on Corporations :

By Mr. Smith, S. B. No. 394, H. B. No. 272 : A bill to be entitled an act to incorporate the United Brotherhood, of Newbern, N. C., with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. Merrimon, S. B. No. 441, H. B. No. 372 : A bill to be entitled an act to authorize the chairman of the board of commissioners of Cleaveland county to make title to certain lots, with a recommendation that it do pass.

From Committee on Insane Asylum :

By Mr. Ellis of Columbus, S. B. No. 313, H. B. No. 75 :  
A bill to be entitled an act for the relief of such counties as have not received the compensation allowed by law for the support of lunatics, with a recommendation that it do pass.

On motion, the consideration of the bill was made special order for Monday, the 26th instant, at 1 P. M.

From the Committee on Internal Improvements :

By Mr. Cowles, S. B. No. 400, H. B. No. 38 : A bill to be entitled an act to establish a turnpike road from the town of Winston, in the county of Forsythe, via Yankinville, in the county of Yadkin, to the town of Wilkesborough, in the county of Wilkes, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 233, H. B. No. 339 : A bill to be entitled an act to amend an act to prevent distemper and other infectious diseases among cattle ; and, S. B. No. 105, H. B. No. 342 : A bill to be entitled an act to authorize the board of trustees of Hickory Tavern township to establish public highways and for other purposes, with certain amendments.

The Senate concurred in the amendments adopted by the House of Representatives, and the bills were ordered to be enrolled for ratification.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Ellis of Catawba : A bill to be entitled an act to authorize the registration of deeds in certain cases. To the Committee on Judiciary.

By Mr. Troy : A bill to be entitled an act to amend an act to incorporate the Falls of Neuse Manufacturing Company, ratified the 5th day of January, 1872. To the Committee on Corporations.

By Mr. Allen : A bill to be entitled an act to repeal the fence laws in the counties of Chowan and Perquimans, and



for other purposes. To the Committee on Propositions and Grievances.

By Mr. Cramer: A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code of North Carolina. To the Committee on Judiciary.

By Mr. Powell: A bill to be entitled an act to incorporate the Cape Fear Cotton and Woolen Mills. To the Committee on Corporations.

A bill to be entitled an act to incorporate the Lockville Cotton and Woolen Mills. To the Committee on Corporations.

By Mr. Harris: A bill to be entitled an act to return discharged convicts to their homes. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 421: A bill to be entitled an act to incorporate Smith Grove Camp Ground, in Davie county. To the Committee on Corporations.

H. B. No. 207: A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease a certain public landing. To the Committee on Propositions and Grievances.

H. B. No. 336: A bill to be entitled an act to incorporate the town of Manson, in the county of Warren. To the Committee on Corporations.

H. B. No. 398: A bill to be entitled an act to incorporate the town of Gold Hill, in the county of Rowan. To the Committee on Corporations.

H. B. No. 371: A bill to be entitled an act to empower the Board of Education for Davidson county to establish a teachers' institute in said county. Placed on the Calendar.

H. B. No. 337: A bill to be entitled an act to incorporate the town of Creswell, in Washington county. To the Committee on Corporations.

H. B. No. 361: A bill to be entitled an act touching the prohibition of the sale of spirituous liquors within the cor-

porate limits of Oxford, in Granville county. To the Committee on Propositions and Grievances.

H. B. No. 334: A bill to be entitled an act to cure certain irregular proceedings in the Probate Courts. To the Committee on Judiciary.

H. B. No. 324: A bill to be entitled an act to incorporate Lilesville, in the county of Anson. To the Committee on Corporations.

H. B. No. 198: A bill to be entitled an act to increase the homestead and personal property exemption. To the Committee on Judiciary.

H. R. No. 72: Resolution in regard to certain important manuscript, belonging to the State. To the Committee on Library.

The following resolutions were introduced, read and disposed of, as follows:

By message from the House of Representatives, H. R. No. 108: Resolution to raise a joint select committee to report on the expenditures of the Insane Asylum.

Mr. Humphrey moved to amend the resolution by striking out the words "covered by the term sundries."

The amendment prevailed, and the resolution was concurred in.

H. R. No. 102: Resolution asking the appointment of a committee to enquire and report when the first session of the next General Assembly is to be held. Concurred in.

H. R. No. 104: Resolution of instruction to the Auditor of the State. Concurred in.

H. R. No. 99: Resolution to be entitled a protest against the passage of the supplemental civil rights bill by Congress. Referred to the Committee on Judiciary.

By Mr. Troy: Resolution concerning the Penitentiary. Adopted, the rules having been suspended for the purpose of considering the resolution.

Mr. Worth moved that when the Senate adjourn it adjourn to meet at 7½ P. M. The motion prevailed.



Mr. Grandy moved that the report of the joint select committee on Professor Kerr's report be transmitted to the House of Representatives. The motion prevailed.

Mr. Worth moved that a select committee of three be appointed to separate the public from the private bills.

The motion prevailed, and the Chair designated Messrs. Worth, Ellis of Catawba and Grandy as the Committee.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: the motion to reconsider the vote by which S. B. No. 341, a bill to be entitled an act to make uniform the rate of interest in North Carolina, passed third time.

The question recurring first on the motion made on yesterday to lay the motion to reconsider on the table, it was withdrawn by consent.

The question then recurring on the motion to postpone the consideration of the motion to reconsider until Wednesday next, at 11 A. M., it was withdrawn by consent.

The question then recurring on the motion to reconsider, it prevailed.

Mr. Allen moved to reconsider the vote by which the amendment of Mr. Norwood was adopted on yesterday.

Mr. Cowles moved that the consideration of the motion to reconsider be postponed until Saturday, the 24th instant, at 11½ A. M., and made special order for that hour.

Mr. Troy moved to amend the motion by striking out "Saturday, the 24th instant," and inserting "Tuesday, the 27th instant."

Mr. Ransom moved to amend by striking out "Saturday, the 24th instant," and inserting the "1st day of March."

The question first recurring on the amendment offered by Mr. Ransom, the yeas and nays were ordered on demand of Mr. Cowles, and the amendment did not prevail. Yeas 6; nays 36.

*Yeas.*—Messrs. Barnhardt, Holloman, Johnston, Ransom, Smith and Troy—6.

*Nays.*—Messrs. Allen, Avera, Cowles, Cramer, Cuning-

ham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Horton, Humphrey, Hyman, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—36.

The question then recurring on the amendment offered by Mr. Troy, the yeas and nays were ordered on demand of Mr. Cowles, and the amendment did not prevail. Yeas 13, nays 30.

*Yeas*—Messrs. Barnhardt, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Johnston, Long, Smith, Stafford, Troy and Waring—13.

*Nays*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Flemming, Grandy, Holloman, Horton, Humphrey, Hyman, King, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Seymour, Todd, Walker, Welch and Worth—30.

The question then recurring on the motion offered by Mr. Cowles, it prevailed.

Bills and resolutions were acted on under a suspension of the rules, as follows:

S. B. No. 407: A bill to be entitled an act to amend the charter of the Neuse River Ferry Company. Read and passed second and third times. Yeas 36, nays 2.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, Johnston, King, Love, McCabe, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—36.

*Nays*—Messrs. McCauley and Powell—2.

S. R. No. 447: Resolution concerning penal and benevolent institutions of the State. Read and adopted.

S. B. No. 441, H. B. No. 372: A bill to be entitled an act



to authorize the chairman of the Board of Commissioners of Cleaveland county to make title to certain lots. Read and passed second and third times. Yeas 40, nays 1.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Humphrey, Hyman, Johnston, King, Long, Mabson, McCabe, McCauley, McDotter, Merrimon, Miller, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—40.

*Nays*—Mr. Love—1.

S. B. No. 325: A bill to be entitled an act to give to Burke and Rutherford counties the proceeds of the vacant lands therein. Made special order for Tuesday, the 27th instant, at 11:25 A. M.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

Amendments to S. B. No. 319, H. B. No. —: A bill to be entitled an act to amend the charter of the New River Canal Company.

S. B. No. 189: A bill to be entitled an act for the support, repairs and payment of the debts of the Insane Asylum for the year 1874.

S. R. No. 447: Resolution concerning the penal and benevolent institutions of the State.

S. B. No. 407: A bill to be entitled an act to amend the charter of the Neuse River Ferry Company.

The President announced certain communications from His Excellency, the Governor, and from the Public Treasurer, in reference to an adjustment of the Public Debt, which were referred to the Joint Select Committee on State Debt.

Bills were acted on under a further suspension of the rules, as follows :

S. B. No. 241: A bill to be entitled an act to adjust the State Debt. Made special order for Monday, the 26th in-

stant, at 12 M., and recommitted to the Committee on State Debt.

S. B. No. 227, H. B. No. 69: A bill to be entitled an act to amend chapter 162, section 27, laws of 1868-'69. Re-committed to the Committee on Judiciary.

S. B. No. 349: A bill to be entitled an act for the better care and protection of the orphan children of the State. The bill was read second time. Pending the consideration of the bill on its second reading, on motion, the Senate adjourned.

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### EVENING SESSION.

SENATE CHAMBER, 7½ P. M., January 22, 1874.

On motion, the Senate went into Executive session.

The Senate sitting in Executive session having adjourned, on motion, the Senate adjourned until 11 o'clock, A. M., to-morrow.

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### FORTIETH DAY.

SENATE CHAMBER, January 23d, 1874.

The journal of yesterday was read.

The President presented a communication from the Chamber of Commerce of the city of Wilmington, which was referred to the Committee on Banks and Currency.

A message was sent to the House of Representatives informing that body that the Senate had concurred in S. R. No. —, H. R. No. 102, Resolution asking the appointment of a committee to enquire and report when the first session of the next General Assembly is to be held, and designating



Messrs. Norwood and Seymour as the Senate branch of the Committee.

Mr. Grandy presented a petition from citizens of Windfall, Perquimans county, praying a repeal of the laws prohibiting the sale of spirituous liquors within one mile of that village, which was referred to the Committee on Propositions and Grievances.

Mr. Price presented a petition from certain citizens of Davie county, near Fork Church, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Mabson for to-morrow.

Reports from standing committees were submitted, as follows :

From Committee on Internal Improvements :

By Mr. Cowles, S. B. No. 416 : A bill to be entitled an act to insure the early completion of the Western Railroad to Ore Hill, in Chatham county, with a recommendation that it do not pass.

From Committee on Education :

By Mr. Cunningham, S. B. No. 426 : A bill to be entitled an act to amend chapter 68, Battle's Revisal, with a recommendation that it do not pass.

From Committee on Corporations :

By Mr. Price, S. B. No. 312, H. B. No. 185 : A bill to be entitled an act to incorporate Richland Farmers' Association, in the county of Onslow, with a report that the bill was unaccompanied by the necessary tax receipt.

From the Committee on Claims :

By Mr. Troy, S. R. No. 389, H. R. No. 56 : Resolution in favor of P. McGowan, with a recommendation that it do pass.

S. R. No. 440, H. R. No. 97 : Resolution in favor of Josiah Turner, Jr., with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. Seymour, S. B. No. 253 : A bill to be entitled an act to change the time of holding the Courts in the First,

Second, Third and Sixth Judicial Districts, with a recommendation that it do not pass.

S. B. No. 355: A bill to be entitled an act to amend chapter 33 of Battle's Revisal, entitled criminal proceedings, with a recommendation that it do pass.

By Mr. Merrimon, S. B. No. 356: A bill to be entitled an act to amend chapter 32 of Battle's Revisal, entitled crimes and punishments, with a recommendation that it do pass.

By Mr. Flemming: S. B. No. 378: A bill to be entitled an act to incorporate the North Carolina Society for the prevention of cruelty to animals, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Price, S. B. No. 432, H. B. No. 67: A bill to be entitled an act to enable indigent persons to appeal to the Supreme Court, with a recommendation that it do pass.

By Mr. Allen, S. B. No. 390, H. B. No. 243: A bill to be entitled an act to create an additional term of the Superior Court for the county of Edgecombe, with a recommendation that it do pass.

By Mr. Grandy, S. B. No. 404, H. B. No. 256: A bill to be entitled an act to make the entry-takers of certain counties *ex officio* county agents, with a recommendation that it do pass.

S. P. No. 413: Petition from citizens of Edgecombe county in relation to transferring said county to the Sixth Judicial District, with a request that the Committee be discharged from the further consideration thereof. The Committee was discharged.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 306, H. B. No. 428, a bill to be entitled an act of annual appropriation for the Institution for the Deaf and Dumb and the Blind for the year 1874, with an amendment. The Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

The following named bills were introduced, read and



passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 389: A bill to be entitled an act concerning commissioners of affidavits and probate of deeds in other States and territories and the District of Columbia. To the Committee on Judiciary.

H. B. No. 258: A bill to be entitled an act to incorporate the town of Taylorsville, in Alexander county. To the Committee on Corporations.

H. B. No. 335: A bill to be entitled an act to amend chapter 175 of the laws of 1868-'69. To the Committee on Judiciary.

H. B. No. 208: A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease certain lands in said county. To the Committee on Judiciary.

H. B. No. 153: A bill to be entitled an act to repeal chapter 68, Public Laws of 1868-'69, and chapter 262, acts of 1870-'71. To the Committee on Judiciary.

H. B. No. 171: A bill to be entitled an act to make the jurisdiction of Justices of the Peace final in certain criminal matters. To the Committee on Judiciary.

H. B. No. 406: A bill to be entitled an act to lay off and improve the public roads leading from Wilkesboro, in the county of Wilkes, to Taylorsville, in the county of Alexander. To the Committee on Internal Improvements.

By Mr. Humphrey: A bill to be entitled an act to amend chapter 27, Battle's Revisal, entitled counties and county commissioners. Placed on the Calendar.

By Mr. Nicholson: A bill to be entitled an act to regulate taxation in the incorporated cities and towns of this State. To the Committee on Propositions and Grievances.

By Mr. Harris: A bill to be entitled an act respecting minors. To the Committee on Propositions and Grievances.

A bill to be entitled an act respecting contracts. To the Committee on Propositions and Grievances.

By Mr. McCauley: A bill to be entitled an act concerning attachments. To the Committee on Judiciary.

By Mr. Seymour: A bill to be entitled an act to change the time of holding the Superior Courts in the Third Judicial District. To the Committee on Judiciary.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Troy: Resolution in favor of certain newspapers. Placed on the Calendar.

By Mr. Nicholson: Resolution on adjournment. Laid over under the rules.

By Mr. Harris: Resolution in regard to the passage of the civil rights bill. Laid over under the rules.

Mr. Cowles offered the following resolution, which was read:

*Resolved*, That from, and inclusive of, Monday next, the Senate will meet at 11 A. M. and adjourn at 2 P. M.; meet again at 7 P. M. and adjourn at 9 P. M., except on Saturday, when there shall be no evening session."

The question recurring on the adoption of the resolution, Mr. Avera moved to amend by striking out all after the word resolved, and inserting the following in lieu thereof:

"That from and after Monday next the Senate will hold night sessions on each alternate night, for the consideration of the Private Calendar, to continue until the Private Calendar is disposed of."

The amendment prevailed and the resolution was adopted.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 390, H. B. No. 243: A bill to be entitled an act to create an additional term of the Superior Court for the county of Edgecombe. Read and passed second and third times. Yeas 38: nays none.



*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Nicholson, Price, Ransom, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Nays*—None.

S. B. No. 255: A bill to be entitled an act to amend chapter 189 of the laws of 1870-'71.

The bill was read third time. The amendments proposed by the Committee on Internal Improvements prevailed.

Mr. Troy moved to amend the bill as follows:

“Strike out the word ‘Lockville’ wherever it may occur and insert the words ‘at some point on the Western Railroad, as the Directors may agree upon;’ also, strike out ‘between the waters of Haw and Deep Rivers,’ so as to conform to the above.”

The amendment prevailed, and the bill passed third time. *Yeas* 33; *nays* 5.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Holloman, Horton, Humphrey, Hyman, Johnston, Long, McCabe, Merrimon, Miller, Murphy, Nicholson, Norwood, Powell, Price, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—33.

*Nays*—Messrs. Allen, Dunham, King, Love and Seymour—5.

S. B. No. 281, H. B. No. 222: A bill to be entitled an act to incorporate the Trustees of the Fairfield Academy, in the county of Hyde. Read and passed second and third times. *Yeas* 33; *nays* none.

*Yeas*—Messrs. Avera, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Holloman, Horton, Hyman, Johnston, King, Mabson, Mc-

Cabe, McCauley, McCotter, Miller, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—33.

*Nays*—None.

S. B. No. 432: A bill to be entitled an act to enable indigent persons to appeal to the Supreme Court. Read and passed second and third times. Yeas 43; nays none.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hollomon, Horton, Humphrey, Hyman, Johnston, King, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—43.

*Nays*—None.

A bill to be entitled an act to amend chapter 27, Battle's Revisal, entitled counties and county commissioners. The bill was read second time.

Mr. Humphrey moved to amend by adding to section 1 the words "not to exceed \$2.50 per day."

The amendment prevailed and the bill passed second time. The bill was read third time.

Mr. Avera moved to amend by adding to section 1 the words "and shall not receive pay for exceeding ten days in any one year." The amendment prevailed and the bill passed third time. Yeas 39; nays 14.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Miller, Murphy, Norwood, Ransom, Scott, Seymour, Stafford, Todd, Waring, Welch and Worth—29.

*Nays*—Messrs. Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Horton, McCauley, Merrimon, Morehead of Guilford, Nicholson, Powell, Smith and Troy—14.

The following resolutions, reported as correctly engrossed



by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. R. No. 468 : Resolution concerning the Penitentiary.

Amendments to S. R. No. 479, H. R. No. 108 : Resolution to raise a joint select committee to report on the expenditures of the Insane Asylum.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit : S. B. No. 276, A bill to be entitled an act concerning elections of certain officers. The bill was read second time.

Mr. Price moved to amend section 1 by striking out all after the words "caused by" and inserting the words "the resignation of Hon. Thomas Settle and Hon. R. P. Dick."

The amendment prevailed.

Mr. Troy moved the previous question.

Mr. Humphrey moved that the Senate do now adjourn until 11 A. M. to-morrow. The motion to adjourn prevailed.

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## FORTY-FIRST DAY.

SENATE CHAMBER, January 24th, 1874.

Journal of yesterday was read.

Mr. Merrimon presented a petition from citizens of Marshall, praying the prohibition of the sale of spirituous liquors within one mile of the court-house in Marshall, which was referred to the Committee on Propositions and Grievances.

The following named petitions presented by Mr. Johnston were referred to the Committee on Propositions and Grievances :

Petition from citizens of Pantego township, in Beaufort

county, asking for the prohibition of the sale of intoxicating liquors within two miles of Hebron church.

Petition from the citizens of Pantego township, in Beaufort county, against the passage of a law prohibiting the sale of spirituous liquor in certain localities.

Reports from standing committees were submitted, as follows :

From Committee on Judiciary :

By Mr. Price, S. B. No. 408 : A bill to be entitled an act to authorize judges to appoint members of the bar to preside in certain causes, with a recommendation that it do not pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Hyman : A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Warren and Johnston. To the Committee on Judiciary.

By Mr. Chamberlain : A bill to be entitled an act to amend the charter of Edenton, Chowan county. To the Committee on Corporations.

By Mr. Norwood : A bill to be entitled an act to make legal the special term of Wake Superior Court, beginning on the 27th day of January, 1874. Placed on the Calendar.

By Mr. Seymour : A bill to be entitled an act to incorporate the town of Vandermeer. To the Committee on Corporations.

Mr. Waring introduced a resolution of instruction to our Senators and Representatives in Congress, which was read and laid over under the rules.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit : S. B. No. 276, a bill to be entitled an act concerning elections of certain officers. The question recurring on the motion for the previous question, had on yesterday, it was withdrawn by consent. The question then recurring on the passage of the bill on its second reading, Mr. Price moved that the further consideration of



the bill be postponed and made special order for Tuesday, the 27th instant, at 12 M. The motion prevailed.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 349: A bill to be entitled an act for the better care and protection of the orphan children of the State. Referred to the Committee on Judiciary.

S. B. No. 504: A bill to be entitled an act to make legal the special term of Wake Superior Court, beginning on the 27th day of January, 1874. Read and passed second and third times. Yeas 28, nays 3.

*Yeas*—Messrs. Allen, Avera, Chamberlain, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Hill, Holloman, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Norwood, Ransom, Seymour, Smith, Stafford, Walker, Waring, Welch and Worth—28.

*Nays*—Messrs. Cowles, Gudger and Todd—3.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 504: A bill to be entitled an act to make legal the special term of Wake Superior Court, beginning on the 27th day of January, 1874.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend the charter of New River Canal Company.

An act to authorize the township board of trustees of Hickory Tavern Township to declare the Turnpike a public highway.

An act to authorize the chairman of the board of commissioners of Cleaveland county to make title to certain town lots.

Resolution of instruction to the Auditor of the State.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 261, a bill to be entitled an act to make uniform the rate of interest in North Carolina.

The question recurring on the motion heretofore had to reconsider the vote by which the amendment offered by Mr. Norwood was adopted, the motion to reconsider prevailed.

The question then recurring on the amendment offered by Mr. Norwood, the yeas and nays were ordered, on demand of that Senator, and the amendment did not prevail. Yeas 14; nays 25.

*Yeas*—Messrs. Cunningham, Davis, Flemming, Grandy, Holloman, King, McCotter, Morehead of Guilford, Norwood, Price, Ransom, Smith, Walker and Welch.—14.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, Merri-  
mon, Miller, Nicholson, Scott, Seymour, Stafford, Todd, Waring and Worth—25.

Mr. Cowles moved to amend by striking out all after section 1, and inserting in lieu thereof the following :

“SECTION 2. No person or corporation upon any contract shall directly, or indirectly, take for loan of any moneys, wares, merchandise or commodities whatever, above the value of eight dollars, by way of discount or interest, for the forbearance of one hundred dollars, for one year, and so after that rate for a greater or less sum, or for a longer or shorter time; and all bonds, contracts and assurances, whatsoever, for the payment of any principal, or money to be lent, or covenanted to be performed upon or for any usury whereupon or whereby there shall be reserved or taken above the rate of eight dollars on the hundred, as aforesaid, shall be void.

SEC. 3. That the provisions of this act shall not be construed to apply to any existing contract, nor to invalidate



any remedy or rights now exercised by any building and loan association for the redemption of their own stock.

SEC. 4. That this act shall take effect and be in force from and after the first day of June, 1874."

Mr. Morehead of Guilford called for a division of the question.

The question then recurring on the motion to strike out, the yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 33; nays 3.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Todd, Waring, Welch and Worth—33.

*Nays*—Messrs. Barnhardt, Morehead of Guilford, and Ransom—3.

The question then recurring on the motion to insert the amendment offered by Mr. Cowles, Mr. Humphrey moved to amend section 2 by striking out in line 2 thereof the words "value of eight dollars," and inserting the words, "the rate of interest allowed by law," and by striking out in line 11 the words "eight dollars on the hundred," and inserting the word "interest." The amendment prevailed.

Mr. Avera moved that the bill be referred to the Committee on Judiciary.

Mr. Humphrey moved the previous question.

Mr. Avera moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Humphrey, and the Senate refused to adjourn. Yeas 5; nays 28.

*Yeas*—Messrs. Avera, Ellis of Columbus, Hill, Johnston and Miller—5.

*Nays*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Davis, Flemming, Grandy, Gudger, Harris, Holloman, Humphrey, King, Long, Love, McCabe, McCotter, Merrimon, Morehead of Guilford, Nicholson, Norwood,

Price, Ransom, Scott, Seymour, Todd, Walker, Waring and Welch—28.

The question then recurring on the motion for the previous question, the Senate ordered the main question to be put.

Mr. Morehead of Guilford, moved to reconsider the vote just had.

Mr. King moved that that motion lie upon the table.

The yeas and nays were ordered on demand of Mr. Cunningham, and the motion prevailed. Yeas 18, nays 17.

*Yeas*.—Messrs. Allen, Cowles, Davis, Grandy, Gudger, Holloman, Humphrey, King, Long, Miller, Nicholson, Norwood, Ransom, Seymour, Todd, Walker and Welch—18.

*Nays*.—Messrs. Avera, Barnhardt, Chamberlain, Cramer, Ellis of Columbus, Flemming, Harris, Horton, Johnston, Love, McCabe, Merrimon, Morehead of Guilford, Scott, Smith, Stafford, Waring and Worth—17.

Mr. Morehead of Guilford moved that the Senate do now adjourn. Thereupon the President decided that the previous question having been ordered, the motion to adjourn was not in order.

From the decision of the chair Mr. Seymour appealed to that of the Senate.

The chair having put the question shall the decision of the chair stand as the decision of the Senate, the yeas and nays were ordered on demand of Mr. Morehead of Guilford, and it was decided in the affirmative. Yeas 21, nays 16.

*Yeas*.—Messrs. Cowles, Cunningham, Flemming, Gudger, Holloman, Horton, Humphrey, Hyman, King, Long, Love, McCabe, McCotter, Miller, Nicholson, Norwood, Ransom, Todd, Walker, Waring and Worth—21.

*Nays*.—Messrs. Avera, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Hill, Johnston, Merrimon, Morehead of Guilford, Price and Seymour—16.

The question then recurring on the motion of Mr. Cowles



to insert certain sections in lieu of certain other sections heretofore on his motion stricken out, the yeas and nays were ordered on demand of that Senator, and the motion prevailed. Yeas 31, nays 1.

*Yeas*.—Messrs. Avera, Cowles, Cunningham, Davis, Ellis of Catawba, Flemming, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Nicholson, Norwood, Price, Seymour, Stafford, Todd, Walker, Waring and Worth—31.

*Nays*—Mr. Ellis of Columbus—1.

The question then recurring on its passage, the bill passed third time. Yeas 30, nays 1.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Gudger, Harris, Hill, Holloman, Horton, Hyman, Johnson, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Nicholson, Norwood, Price, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—30.

*Nays*—Mr. Ellis of Columbus.

Mr. Avera moved to reconsider the vote just had.

Mr. Humphrey moved to lay that motion on the table.

Mr. Seymour moved that the Senate do now adjourn until Monday at 11 o'clock, A. M. The motion to adjourn prevailed.

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#### FORTY-SECOND DAY.

SENATE CHAMBER, January 26, 1874.

Journal of Saturday was read.

Messrs. Troy and Dunham asked and obtained leave to have their names recorded as voting in the negative, and Mr. Grandy asked and obtained leave to have his name re-

corded as voting in the affirmative, on the vote by which S. B. No. 261, a bill to be entitled an act to make uniform the rate of interest in North Carolina, passed third time on Saturday.

Mr. Gudger asked and obtained leave to change his vote from the affirmative to the negative, on the vote had on the appeal from the decision of the chair made by Mr. Seymour on Saturday.

Mr. Allen asked and obtained leave to have his vote recorded in the affirmative on the vote by which the amendment offered by Mr. Cowles to S. B. No. 261, a bill to be entitled an act to make uniform the rate of interest, was adopted, and on the passage of the bill; and Mr. Flemming asked and obtained leave to have his name recorded in the affirmative on the passage of the bill.

Reports from standing committees were submitted, as follows :

From Committee on Propositions and Grievances :

By Mr. Love, S. B. No. 384, H. B. No. 261: A bill to be entitled an act to authorize the collection of arrearages of taxes in the town of Statesville, with accompanying amendments.

S. B. No. 381, H. B. No. 285: A bill to be entitled an act to enable the board of commissioners of Gates county to sell land, with a recommendation that it do not pass.

S. B. No. 490: A bill to be entitled an act respecting minors, with a recommendation that it do not pass.

S. B. No. 398: A bill to be entitled an act to prevent the storing of guano and other fertilizers within the corporate limits of the town of Tarboro', with accompanying amendments.

S. B. No. 439: A bill to be entitled an act to prohibit the sale of ardent spirits to minors, with a recommendation that it do pass.

On motion the consideration of the bill was made special order for 8 P. M. of to-day.

Petition from citizens of Mitchell county, asking for a change of line between Mitchell and Yancey counties with



a request that the committee be discharged from the further consideration thereof. The committee was discharged.

A message was received from the House of Representatives informing the Senate that that body had concurred in S. R. No. 447, resolution concerning the penal and benevolent institutions of this State, and designating Messrs. Morning, Gudger, Wheeler, Norment and Gorman, as the House Branch of the committee raised thereby.

The Chair designated Messrs. Waring, King and Ellis of Columbus, as the Senate Branch of the committee, and the House of Representatives was notified thereof by message.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 402 : A bill to be entitled an act to amend chapter 193, laws of 1872-'73. To the Committee on Judiciary.

H. B. No. 354 : A bill to be entitled an act to authorize the county board of education of Randolph to organize a teachers' institute. Placed on the Calendar.

H. B. No. 260 : A bill to be entitled an act to amend the act entitled an act for the better government of the town of Wadesboro, in Anson county, being chapter 75 of the acts of 1825. To the Committee on corporations.

H. B. No. 251 : A bill to provide for the election of trustees of the University of North Carolina. To the Committee on Education.

H. B. No. 164 : A bill to be entitled an act to purchase arms for military schools. Placed on the Calendar.

H. B. No. 193 : A bill to be entitled an act concerning elections in this State. To the Committee on Privileges and Elections.

Leave of absence was granted to Mr. Cunningham for to-day.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: the motion to lay on the table the motion to reconsider the vote by which S. B. No. 261, a

bill to be entitled an act to make uniform the rate of interest in North Carolina, passed.

The yeas and nays were ordered, on demand of Mr. Cowles, and the motion to lay on the table prevailed. Yeas 22; nays 10.

*Yeas*—Messrs. Chamberlain, Cowles, Davis, Flemming, Grandy, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Nicholson, Norwood, Smith, Todd, Walker and Worth—22.

*Nays*—Messrs. Dunham, Ellis of Catawba, Ellis of Columbus, Hill, Morehead of Guilford, Ransom, Scott, Stafford, Troy and Waring—10.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 278: A bill to be entitled an act to restore the records of Washington county. Read and passed second and third times. Yeas 35; nays none.

*Yeas*—Messrs. Chamberlain, Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Morehead of Guilford, Nicholson, Norwood, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.—35.

*Nays*—none.

The bill was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 393: A bill to be entitled an act to authorize the town of Hickory in the county of Catawba, to issue bonds for the purpose of aiding the Carolina Central Railway in extending their railway, and for other purposes. Read and passed second time. Yeas 26; nays 3.

*Yeas*—Messrs. Cowles, Cramer, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Nicholson, Scott, Smith, Todd, Troy, Waring, Welch and Worth—26.



*Nays*—Messrs. Chamberlain, Grandy and King— 3.

S. B. No. 351, H. B. No. 326: A bill to be entitled an act in reference to meetings of the stockholders and directors of the Carolina Central Railway Company. Referred to the Committee on Judiciary.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State Debt.

Mr. Humphrey presented a report from the Committee on State Debt, which was read for the information of the Senate.

The question recurring on the amendment offered by Mr. Norwood, it did not prevail.

Mr. Todd moved to amend by striking out all after the enacting clause, and inserting in lieu thereof, the following :

SECTION 1. That the Goverhor and Secretary of State are hereby authorized and directed to convey to a trustee or trustees, all the interest of the State in all Railroads, Canals and other improvements of a like kind, for the use and benefit of the creditors of the State, to be applied to the payment of the State debt, in full and that nothing further shall ever be paid by the State."

Mr. Waring moved to amend the bill by striking out in line 18, sec. 4, the word "twenty" and inserting the word "thirty," and by adding to the section the words "and bear interest at the rate of 4 per cent. per annum."

Mr. Morehead of Guilford moved that the further consideration of the bill be postponed and made special order for Wednesday, the 28th instant, at 11 A. M., and that the bill, with the pending amendments be printed. The motion prevailed.

The following named bills were read and passed second and third times, the call of the yeas and nays being, by consent, dispensed with on the final passage thereof :

S. B. No. 247, H. B. No. 166: A bill to be entitled an act to amend section 1, chapter 70, of the acts of 1870-'71.

S. B. No. 303: A bill to be entitled an act to amend chapter 85, private laws of 1871-'72.

S. B. No. 394, H. B. No. 272: A bill to be entitled an act to incorporate the United Brotherhood of Newbern North Carolina.

Bills on third reading were acted on, as follows:

S. B. No. 19: A bill to be entitled an act supplemental to and explanatory of all acts of incorporation passed by the present General Assembly.

The bill was read third time. The amendments proposed by the Committee on Banks and Currency prevailed, and the bill passed third time. Yeas 35; nays none.

*Yeas*—Messrs. Allen, Chamberlain, Cowles, Cramer, Davis, Dunham, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, McCabe, Merrimon, Miller, Morehead of Guilford, Nicholson, Norwood, Ransom, Scott, Seymour, Smith, Todd Troy, Walker, Waring. Welch and Worth—35.

*Nays*—none.

The following bills, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 255: A bill to be entitled an act to amend chapter 189, of the laws of 1870-'71.

S. B. No. 278: A bill to be entitled an act to restore the records of Washington county.

S. B. No. 484: A bill to be entitled an act to amend chapter 27, Battle's Revisal, entitled counties and county commissioners.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to provide the necessary appropriation for the In-



stitution for the deaf and dumb and the blind, for the year 1874.

An act to amend an act to prevent distemper and other infectious diseases among cattle.

An act to create an additional term of the Superior Court for the county of Edgecombe.

An act to incorporate the trustees of Fairfield Academy, in the county of Hyde.

An act to enable indigent parties in civil actions to appeal to the Supreme Court.

On motion, the Senate adjourned until 7½ P. M. to-day.

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#### EVENING SESSION.

7½ P. M., SENATE CHAMBER, January 26th, 1874.

Mr. Humphrey, by consent, introduced the following named bill which was read and passed first time, referred to the Committee on Internal Improvements, and ordered to be printed.

A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes.

Mr. Avera asked and obtained leave to change his vote from the affirmative to the negative on the vote by which S. B. No. 261, a bill to be entitled an act to make uniform the rate of interest in North Carolina.

Mr. Worth moved that the Calendar of Private Bills be taken up, that the bills be put upon their several readings, and that the call of the yeas and nays be dispensed with on the final passage of the bills. The motion prevailed.

The following named bills and resolutions were acted on, as follows:

✓ S. R. No. 113: Resolution authorizing and requesting R. B. Creecy to continue the history of North Carolina from the period reached by Dr. Hawks, to such time within re-

cent memory as may be deemed advisable. The resolution was read second time.

Mr. McCabe moved to amend by striking out the words "five thousand dollars." The amendment prevailed.

Mr. Todd moved to lay the resolution on the table. The motion did not prevail.

Mr. Gudger moved that the further consideration of the resolution be indefinitely postponed.

The yeas and nays were ordered on demand of Mr. Grandy, and the motion did not prevail. Yeas 13; nays 13.

*Yeas*—Messrs. Ellis of Catawba, Gudger, Horton, Johnston, King, Long, Love, Miller, Nicholson, Seymour, Todd, Troy and Worth—13.

*Nays*.—Messrs. Cowles, Cramer, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Hyman, McCabe, McCotter, Murphy, Ransom, Smith and Walker—13.

Mr. Love moved to amend by striking out the words "authorized and requested," and insert the words "allowed free access to all the public records of the State in order to enable him."

Mr. Murphy moved that the resolution be referred to the Committee on Education. The motion prevailed.

S. B. No. 161, H. B. No. 78: A bill to be entitled an act to enable the commissioners of Surry county to consolidate and pay the debt of said county. Read and passed second time. Yeas 26; nays none.

*Yeas*—Messrs. Avera, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Hill, Holloman, Horton, Johnston, Love, McCabe, McCotter, Merrimon, Miller, Murphy, Nicholson, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker and Worth—26.

*Nays*—None.

S. B. No. 343, H. B. No. 183: A bill to be entitled an act to amend the charter of the town of Hillsboro, in Orange county. The bill was read second time.

The amendments proposed by the Committee on Proposi-



tions and Grievances prevailed, and the bill passed second time. Yeas 26; nays 1.

*Yeas*—Messrs. Avera, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Hill, Holloman, Horton, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker and Worth—26.

*Nays*—Mr. King—1.

At 8 P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 439, H. B. No. 159, a bill to be entitled an act to prohibit the sale of ardent spirits to minors. The bill was read second time. The amendments proposed by the Committee on Propositions and Grievances prevailed.

Mr. Seymour moved to amend by striking out the proviso to section 3. The amendment did not prevail, and the bill passed second time.

The bill was then read and passed third time. Yeas 30; nays 2.

*Yeas*—Messrs. Avera, Cowles, Cramer, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Holloman, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker and Worth—30.

*Nays*—Messrs. Horton and Smith—2.

The following named bill and resolution was read and passed second and third times:

S. R. No. 389, H. R. No. 56: Resolution in favor of P. McGowan.

S. B. No. 301: A bill to be entitled an act to lay off and establish a public road in the counties of Davidson and Davie, and to establish a public ferry across the Yadkin river.

On motion, the Senate adjourned until 11 A. M., to-morrow.

## FORTY-THIRD DAY.

SENATE CHAMBER, January 27th, 1874.

Journal of yesterday was read.

Mr. Gudger presented a petition from citizens of Yancey county asking the removal of obstructions in Caney River, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted, as follows :

From Committee on Propositions and Grievances :

By Mr. Love, S. B. No. 427 : A bill to be entitled an act to amend chapter 71 of laws of 1871-'72, "an act to create a Finance Committee in the several counties," with an amendment in the nature of a substitute.

S. B. No. 489 : A bill to be entitled an act to regulate taxation in the incorporated cities and towns of this State, with accompanying amendments.

S. B. No. 470, H. B. No. 207 : A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease a certain public landing, with a recommendation that it do not pass.

S. B. No. 467 : A bill to be entitled an act to return discharged convicts to their homes, with a recommendation that it do not pass.

S. P. No. 454 : Petition from citizens of McDowell county, with a request that the committee be discharged from the further consideration thereof. The Committee was discharged.

By Mr. Avera, S. B. No. 353, H. B. No. 307 : A bill to be entitled an act to allow the commissioners of Stanley county to levy a special tax, with accompanying amendment.

From Committee on Judiciary :

By Mr. Todd, S. B. No. 436, H. B. No. 167 : A bill to be entitled an act declaratory of the meaning of section 41,



chapter 45 of Battle's Revisal, in regard to executors and administrators, with a recommendation that it do pass.

By Mr. Morehead of Guilford, S. B. No. 422: A bill to be entitled an act to amend section 198, of chapter 4, of chapter 17, Battle's Revisal, with a recommendation that it do not pass.

By Mr. Gudger, S. B. No. 403, H. B. No. 196: A bill to be entitled an act to save harmless, honest representatives of the estates of deceased persons, with a recommendation that it do not pass.

S. B. No. 402, H. B. No. 65: A bill to be entitled an act to require county officers and magistrates to turn over Battle's Revisal to their successors in office, with a recommendation that it do pass.

S. B. No. 336: A bill to be entitled an act to amend section 72, of chapter 17, of Battle's Revisal, with a recommendation that it do not pass.

From Committee on Corporations:

By Mr. Avera, S. B. No. 503, H. B. No. 258: A bill to be entitled an act to incorporate the town of Taylorsville, in Alexander county, with a recommendation that it do pass.

By Mr. Smith, S. B. No. 425: A bill to be entitled an act to amend an act to incorporate the Horse Ford Manufacturing Company, ratified the 11th day of February, 1873, with a recommendation that it do pass.

A message was received from the House of Representatives designating Messrs. Maxwell, Craige, Bowman, Reid of Mecklenburg, and Godfrey as the House branch of the Joint Select Committee on the expenditures of the Insane Asylum.

A message was also received from the House of Representatives informing the Senate that that body had passed S. B. No. 21, H. B. No. 228, a bill to be entitled an act to prevent fraud in the sale of commercial manures, with certain amendments. The Senate concurred in the amendments adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to amend section 1, chapter 70, act of 1870-'71, entitled an act in relation to the Public Library.

An act to prohibit the sale of cotton between certain hours.

An act authorizing the commissioners of the city of Raleigh to appoint an inspector of wood and coal.

Resolution in favor of P. McGowan.

The following named bill, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

S. B. No. 261 : A bill to be entitled an act to make uniform the rate of interest in North Carolina.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Waring : A bill to be entitled an act to amend chapter 75, of the laws of 1872-'73. To the Committee on Corporations.

By Mr. Humphrey : A bill to be entitled an act to incorporate Justitia Lodge, No. 11, Knights of Pythias, of Goldsboro, North Carolina. To the Committee on Corporations.

By Mr. Dunham : A bill to be entitled an act to incorporate the Watch Tower Publishing Company. To the Committee on Corporations.

By Mr. Murphy : A bill to be entitled an act to establish the legal rate of interest in this State. To the Committee on Banks and Currency.

By message from the House of Representatives, H. B. No. 442 : A bill to be entitled an act to include the county of Hyde within the provisions of the act relating to fences and for the protection of crops. To the Committee on Propositions and Grievances.

H. B. No. 422 : A bill to be entitled an act to incorporate



the Ramseytown Baptist Church in Yancey county. To the Committee on Corporations.

H. B. No. 385: A bill to be entitled an act to incorporate the village of King's Mountain, in the county of Cleaveland. To the Committee on Corporations.

H. B. No. 382: A bill to be entitled an act to prevent the selling or giving away of intoxicating liquors within two miles of Turkey Creek Camp Ground, in Buncombe county, and for other purposes. To the Committee on Propositions and Grievances.

H. B. No. 416: A bill to be entitled an act to provide for a special election in the county of Caldwell. To the Committee on Privileges and Elections.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 325, a bill to be entitled an act to give to Burke and Rutherford counties the proceeds of the vacant lands therein.

The bill was read second time. The amendment proposed by the Committee on Judiciary prevailed.

Mr. Flemming moved to amend by inserting the word "McDowell" after the word "Rutherford."

The amendment prevailed and the bill passed second time.

On motion, the rules were suspended and the bill was read third time.

Mr. Mahler moved to amend by inserting the word "Cleaveland" after the word "Rutherford."

The amendment prevailed and the bill passed third time. Yeas 34; nays 5.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Nays*—Messrs. King, McCabe, McCotter, Ransom and Seymour—5.

Bills and resolutions were acted on under a suspension of the rules, as follows :

S. B. No. 335: A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds. Taken from the table and recommitted to the Committee on Propositions and Grievances.

S. R. No. 430: Resolution in regard to the Albemarle and Chesapeake Canal. Referred to the Committee on Judiciary.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 276, a bill to be entitled an act concerning the election of certain officers.

The question recurring on the passage of the bill on its second reading, Mr. Grandy moved to amend by striking out in section 1 the words "two Supreme Court Judges, to fill vacancies caused by resignation of Hon. R. P. Dick and Hon. Thos. Settle," and by striking out section 2 of the bill.

Pending the consideration of the bill, on motion the Senate adjourned until 11 A. M. to-morrow.

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#### FORTY-FOURTH DAY.

SENATE CHAMBER, January 28th, 1874.

Journal of yesterday was read.

Mr. Gudger presented a petition against removing the obstructions in Caney River, Yancey county, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Eppes from Saturday last until to-morrow.

Reports from standing committees were submitted, as follows :

From Committee on Privileges and Elections :

By Mr. Cowles, S. B. No. 529, H. B. No. 416: A bill to



be entitled an act to provide for a special election in the county of Caldwell, with a recommendation that it do pass.

S. B. No. 518, H. B. No. 193: A bill to be entitled an act concerning elections in this State, with accompanying amendment. The bill was made special order for 1 o'clock A. M., to-morrow.

From Committee on Internal Improvements:

By Mr. Humphrey, S. B. 512: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes, with accompanying amendments. The bill was made special order for 12 M. to-morrow.

From Committee on Education:

By Mr. Cunningham, S. B. No. 515, H. B. No. 251: A bill to be entitled an act to provide for the election of trustees of the University of North Carolina, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Waring: A bill to be entitled an act to refund the taxes paid by the Petersburg Railroad Company in the years 1869-'70 and '71. To the Committee on Finance.

By Mr. Scott: A bill to be entitled an act defining what interest in real estate may be sold under execution. To the Committee on Judiciary.

By Mr. Avera: A bill to be entitled an act to abolish the office of State Geologist. To the Committee on Propositions and Grievances.

The consideration of the bill was made special order for Friday, the 30th instant, at 11½ A. M.

By Mr. Smith: A bill to be entitled an act pertaining to administrators and executors requiring ten days' advertisement for the sale of perishable property. To the Committee on Judiciary.

A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Greenwood Church, and

Rock Spring Church, located in Granville county. To the Committee on Propositions and Grievances.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 529, H. B. No. 416: A bill to be entitled an act to provide for a special election in the county of Caldwell. Read and passed second time. Yeas 36; nays none.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Flemming, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Seymour, Smith, Todd, Troy, Walker, Waring, Welch and Worth—36.

*Nays*—none.

The further consideration of the bill was made special order for 11.25 o'clock to-morrow.

S. B. No. 515. H. B. No. 251: A bill to be entitled an act to provide for the election of trustees of the University of North Carolina. Read and passed second and third times. Yeas 37: nays 3.

*Yeas*—Messrs. Allen, Avera. Barnhardt, Cowles, Cramer. Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Harris, Horton, Humphrey, Hyman, King, Long, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays*—Grandy, Johnston and Love—3.

Ordered to be forthwith enrolled for ratification.

S. B. No. 66, H. B. No. 12: A bill to be entitled an act to repeal chapter 68, laws 1871-'72. Made special order for 11½ A. M., Friday the 30th instant.

S. B. No. 283, H. B. No. 111: A bill to be entitled an act to aid in the construction of light houses, beacons, &c. Read and passed second and third times. Yeas 37; nays none.



*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays*—None.

Ordered to be forthwith enrolled for ratification.

The following named acts, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to provide for the election of trustees of the University of North Carolina.

An act to provide for the relinquishment to the United States in certain cases, of title to, and jurisdiction over, lands for sites of light houses, beacons, or other aids to navigation in the waters of this State.

An act to incorporate the United Brotherhood Society of Newbern, North Carolina.

An act to restore the records of Washington county.

An act to make legal the special term of Wake Superior Court beginning on the 27th day of January, 1874.

The following named bills, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

A bill to be entitled an act to amend chapter 85, Private Laws 1871-'72.

Amendments to S. B. No. 439, H. B. No. 159: A bill to be entitled an act to prohibit the sale of ardent spirits to minors.

At 12 M., the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State Debt.

The question recurring on the amendment offered by Mr. Waring, it did not prevail.

Mr. Gudger moved that the further consideration of the

bill be indefinitely postponed. The yeas and nays were ordered, on demand of Mr. Gudger, and the motion did not prevail. Yeas 12; nays 27.

*Yeas*—Messrs. Cramer, Grandy, Gudger, Holloman, King, Long, McCabe, McCotter, Merrimon, Powell, Ransom and Smith—12.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Harris, Hill, Horton, Humphrey, Hyman, Johnston, Love, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Scott, Seymour, Todd, Troy, Walker, Waring, Welch and Worth—27.

Mr. Norwood moved to amend by adding to section 4 the words "for the \$11,407,000 special tax bonds, as reported by the Treasurer to the present session of the Legislature, with all accrued interest on the same — cents on the one dollar, without intending thereby to recognize the validity of said bonds;" and by inserting at the end of line 9, section 6 the words :

*"Provided, that no such exchange of bonds shall take place until at least a majority in amount of the class of bonds under this act, to which the bond offered to the Treasurer for exchange belongs, shall have agreed to accept the terms offered in this act."*

A division of the question was ordered and the question recurring on the amendment to section 4, the yeas and nays were ordered, on demand of Mr. Allen, and the amendment did not prevail. Yeas 9; nays 29.

*Yeas*—Messrs. Hill, Holloman, Humphrey, Hyman, McCabe, Norwood, Ransom, Smith and Walker—9.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Horton, King, Long, Love, Merrimon, Miller, Morehead of Guilford, Morheead of Rocking-



ham, Murray, Nicholson, Powell, Scott, Todd, Troy, Waring, Welch and Worth—29.

The question then recurring on the amendment to section 6, it did not prevail.

Mr. Cowles moved to amend by inserting before the ratifying clause the words :

*“Provided, that this act shall not go into effect until ratified by a majority of the votes of the qualified voters of the State, and the Governor is hereby authorized to submit the question of its ratification or rejection to the voters of the State at the general election to be held in August next.”*

The yeas and nays were ordered, on demand of Mr. Powell, and the amendment prevailed. Yeas 26; nays 16.

*Yeas*—Messrs. Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Gudger, Hill, Holloman, Horton, Humphrey, Hyman, King, McCabe, McCotter, Merrimon, Miller, Nicholson, Powell, Ransom, Smith, Stafford, Todd, Walker and Welch—26.

*Nays*—Messrs. Allen, Avera, Barnhardt, Ellis of Columbus, Harris, Johnston, Long, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Troy, Waring and Worth—16.

Mr. Dunham moved to reconsider the vote just had.

Mr. Welch moved to lay that motion on the table.

Mr. Seymour moved that the Senate do now adjourn until 7½ o'clock to-night.

The yeas and nays were ordered, on demand of Mr. Nicholson, and the motion to adjourn prevailed. Yeas 26; nays 15.

*Yeas*.—Messrs. Allen, Avera, Barnhardt, Cramer, Dunham, Ellis of Columbus, Gudger, Hill, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Morehead of Guilford, Murphy, Norwood, Ransom, Seymour, Smith, Troy, Walker, Waring and Worth—26.

*Nays*—Messrs. Cowles, Cunningham, Davis, Ellis of Catawba, Harris, Holloman, Horton, Merrimon, Miller, Nicholson, Powell, Scott, Stafford, Todd and Welch—15.

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## EVENING SESSION.

SENATE CHAMBER, 7½ P. M., January 28th, 1874.

Mr. Avera, by consent, reported that the Committee on Corporations had considered S. B. No. 386, a bill to be entitled an act to incorporate the town of Teachey's, in Duplin county, and recommended its passage.

Mr. Cramer moved that the private calender be taken up, that the bills be put upon their several readings, and that the twenty-fifth of the Senate rules of order be suspended for to-night. The motion prevailed.

The following named bills were acted on as follows:

S. B. No. 192, H. B. No. 37: A bill to be entitled an act to incorporate the members of the congregation of United Brethren, of the town of Salem and vicinity, commonly called Moravians. The bill was read second time, the amendments proposed by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 229, H. B. No. 143: A bill to be entitled an act to authorize the commissioners of Nash county, to levy a special tax. Read and passed second time. Yeas 18; nays 13.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Price, Scott, Stafford, Todd, Walker, Waring and Worth—18.

*Nays*—Messrs. Cowles, Grandy, Gudger, Hyman, Johnston, King, Long, McCabe, McCotter, Nicholson, Powell, Seymour and Troy—13.

S. B. No. 232: A bill to be entitled an act to allow the



commissioners of Duplin county to levy a special tax. Read and passed second time. Yeas 24, nays 4.

*Yeas*—Messrs. Allen, Avera, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Hyman, Mabson, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring and Worth—24.

*Nays*.—Messrs. Cowles, Gudger, Morehead of Rockingham, and Powell—4.

S. B. No. 249, H. B. No. 149: A bill to be entitled an act to amend the charter of Newbern. Read and passed second time. Yeas 29; nays 7.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Flemming, Gudger, Holloman, King, Long, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Powell, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Nays*—Messrs. Grandy, Hill, Hyman, Johnston, Mabson, McCabe and Seymour—7.

The further consideration of the bill was made special order for Friday the 30th instant, at 8 P. M.

S. B. No. 424: A bill to be entitled an act to incorporate the North Carolina Gold Amalgamating Company. The bill was read second time.

Mr. Morehead of Rockingham, moved to amend by striking out at the end of section 2, the words "fifteen hundred thousand dollars," and inserting in lieu thereof the words "twenty-five hundred thousand dollars," and by striking out in line 6, section 5, the words "negotiate loans to themselves," and insert the words "borrow money." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 268: A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank of Raleigh. Read second time and laid on the table.

Mr. McCabe moved that the Senate do now adjourn until 11 o'clock to-morrow morning. The yeas and nays were

ordered on demand of Mr. Harris, and the Senate refused to adjourn. Yeas 7; nays 28.

*Yeas*—Messrs. Cramer, Grandy, Humphrey, Johnston, McCabe, McCotter and Todd—7.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Holloman, Hyman, King, Mabson, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Ransom, Scott, Seymour, Stafford, Troy, Walker, Waring and Worth—28.

Leave of absence was granted to Mr. Price for Monday and Tuesday of this week.

S. B. No. 263: A bill to be entitled an act to incorporate the Raleigh Ware House and Trust Company. The bill was read second time.

Mr. Todd moved to amend by striking out the enacting clause and inserting the words, "The General Assembly of North Carolina do enact." The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

Mr. Gudger moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. McCabe, and the Senate refused to adjourn. Yeas 2; nays 33.

*Yeas*.—Messrs. Avera and Todd—2.

*Nays*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Hyman, Johnston, King, Long, Mabson, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Ransom, Scott, Seymour, Stafford, Walker, Waring, Welch and Worth—33.

S. B. No. 287: A bill to be entitled an act to empower the board of commissioners of Burke county to levy a special tax. Read and passed second time. Yeas 31; nays 4.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Flemming, Gudger, Hill, Holloman, Humphrey, Johnston, King, Long, Mabson, McCabe, McCotter,



Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Powell, Ransom, Scott, Seymour, Smith, Stafford, Walker, Waring, Welch and Worth—31.

*Nays*—Messrs. Cowles, Nicholson, Todd and Troy—4.

The following named bills were read and passed second and third times:

H. B. No. 257, S. B. No. 386: A bill to be entitled an act to incorporate the town of Teachey's, in Duplin county.

H. B. No. 330, S. B. No. 406: A bill to be entitled an act for the relief of certain officers and tax payers in Nash county.

S. B. No. 187: A bill to be entitled an act concerning the annexation of Goose Creek Island to Pamlico county.

H. R. No. 97, S. R. No. 440: Resolution in favor of Josiah Turner, Jr.

S. B. No. 282, H. B. No. 206: A bill to be entitled an act to incorporate the town of Pine Level, in the county of Johnston.

S. B. No. 212, H. B. No. 36: A bill to be entitled an act to incorporate Rock Springs Seminary, in the county of Lincoln.

S. B. No. 225, H. B. No. 70: A bill to be entitled an act to prevent persons from carrying torch lights through covered bridges in the county of Randolph.

S. B. No. 279: A bill to be entitled an act to incorporate the Pythagoras Lodge, No. 6, Ancient York Masons of the town of Smithville, Brunswick county.

On motion, the Senate adjourned until 11 A. M. to-morrow.

## FORTY-FIFTH DAY.

SENATE CHAMBER, January 29, 1874.

Journal of Saturday was read.

Messrs. Cowles, Hill and Mabson asked and obtained leave to have their names recorded in the affirmative on the vote by which the amendment offered by Mr. Cowles to S. B. No. 241, a bill to be entitled an act to adjust the State Debt, was adopted on yesterday.

Mr. Merrimon presented a petition from citizens of Buncombe county in relation to the sale of spirituous liquors, which was referred to the Committee on Propositions and Grievances.

Mr. Ellis of Columbus presented a petition of citizens of Robeson county, praying the passage of House bill repealing of the prohibitory law at Lumberton, in said county, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. King from Saturday next until Thursday next, and to the Assistant Clerk from Saturday next until Wednesday next.

Reports from standing committees were submitted, as follows :

From Committee on Internal Improvements :

By Mr. Morehead of Rockingham, S. R. No. 430 : Resolution in regard to the Albemarle and Chesapeake Canal, with a recommendation that it do not pass.

On motion, the resolution was laid on the table.

From Committee on Finance :

By Mr. Worth, S. B. No. 309 : A bill to be entitled an act to promote immigration and encourage the building of manufactories, with an amendment in the nature of a substitute.

S. B. No. 531 : A bill to be entitled an act to refund the taxes paid by the Petersburg Railroad Company in the years 1869-'70 and 1871, with a recommendation that it do pass.



From Committee on Judiciary :

By Mr. Allen, S. B. No. 488, H. B. No. 389: A bill to be entitled an act concerning commissioners of affidavits and probate of deeds in other States and Territories and the District of Columbia, with a recommendation that it do pass.

From Committee on Library :

By Mr. Flemming, S. R. No. 483, H. R. No. 72: Resolution in regard to certain important manuscript belonging to the State, with a recommendation that it do pass.

From Committee on Privileges and Elections :

By Mr. Cowles, S. B. No. 338: A bill to be entitled an act for the election of Judges and for other purposes with a recommendation that it do pass.

From Committee on Education :

By Mr. Cunningham, S. R. No. 113: Resolution authorizing and requesting R. B. Creecy to continue the history of North Carolina from the period reached by Dr. Hawks to such time within recent memory as may be deemed advisable, with an amendment in the nature of a substitute.

A message was received from the House of Representatives informing the Senate that that body had concurred in the amendments adopted by the Senate to S. R. No. 497, H. R. No. 108, Resolution to raise a joint select committee to report on the expenditures of the Insane Asylum.

The Chair designated Messrs. Norwood, Harris, and Flemming as the Senate Branch of the Committee, and the House of Representatives was informed thereof by message.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Walker: A bill to be entitled an act to repeal chapter 171 of laws of 1872-'73, so much as relates to the town of Rutherfordton, in the county of Rutherford. To the Committee on Propositions and Grievances.

By Mr. Murphy: A bill to be entitled an act authorizing

the commissioners of Sampson county to levy a special tax. Placed on the Calendar.

By Mr. Flemming: A bill to be entitled an act to incorporate the Western North Carolina Land Company. To the Committee on Corporations.

By Mr. Nicholson: A bill to be entitled an act to amend chapter 97, section 27, of Battle's Revisal. To the Committee on Propositions and Grievances.

By Mr. Mabson: A bill to be entitled an act for the relief of L. Meginney, Principal of the Wilmington Institute. To the Committee on Propositions and Grievances.

By Mr. Morehead of Rockingham: A bill to be entitled an act to incorporate the town of Leaksville, Rockingham, county. To the Committee on Corporations.

By message from the House of Representatives, H. B. No. 439: A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified December 20th, 1873. To the Committee on Internal Improvements.

H. B. No. 290: A bill to be entitled an act to incorporate Union Camp Ground, in McDowell county. To the Committee on Corporations.

H. B. No. 221: A bill to be entitled an act to authorize the town of Newton to take stock in Railroads, and for other purposes. To the Committee on Internal Improvements.

H. B. No. 332: A bill to be entitled an act to amend an act entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad, laws of 1872-'73, chapter 19. To the Committee on Internal Improvements.

H. B. No. 259: A bill to be entitled an act to change the corporate limits of the town of Rockingham, in Richmond county. To the Committee on Corporations.

H. B. No. 423: A bill to be entitled an act to amend the charter of the town of Battleboro. To the Committee on Corporations.



H. B. No. 401: A bill to be entitled an act to incorporate the town of Saratoga, in the county of Wilson. To the Committee on Corporations.

H. B. No. 399: A bill to be entitled an act to incorporate the town of Liecester in the county of Buncombe. To the Committee on Corporations.

H. B. No. 412: A bill to be entitled an act to incorporate St. John's Lodge, No. 12, Free and Accepted A. Y. Masons, of Greensboro, Guilford county. To the Committee on Corporations.

H. B. No. 433: A bill to be entitled an act to amend section 3, of an act concerning Clover Hill Camp Ground, &c., and section 3, of an act concerning Sharon Camp Ground, &c. To the Committee on Corporations.

H. B. No. 291: A bill to be entitled an act to incorporate the Frizell's Citizens' Fire Company, of Fayetteville. To the Committee on Corporations.

H. B. No. 451: A bill to be entitled an act to incorporate the People's Building and Loan Association, of Morganton, North Carolina. To the Committee on Corporations.

H. B. No. 427: A bill to be entitled an act to authorize the commissioners of the Town of Lenoir to sell certain tracts of land. Placed on the Calendar.

H. B. No. 434: A bill to be entitled an act to extend the corporate limits of the town of Wilson. To the Committee on Corporations.

H. B. No. 414: A bill to be entitled an act to amend section 1, chapter 71, laws of 1871-'72, section 22, chapter 27, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 443: A bill to be entitled an act to amend an act entitled an act to allow the transfer of certain causes pending in the late Courts of Equity in this State. To the Committee on Judiciary.

H. B. No. 452: A bill to be entitled an act in relation to the town of Trenton, in Jones county. To the Committee on Judiciary.

Resolutions were acted on, under a suspension of the rules, as follows:

S. R. No. 113: Resolution authorizing and requesting R. B. Creecy to continue the history of North Carolina from the period reached by Dr. Hawks to such time within recent memory as he may deem advisable.

The resolution was read, the amendment proposed by the Committee on Education prevailed, and the resolution was adopted.

Mr. Troy moved that when the Senate adjourns it will adjourn to meet this afternoon at 3½ o'clock, and that a message be sent to the House of Representatives proposing at that hour to go into election for trustees of the University of North Carolina.

The motion prevailed and the message was sent.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad and for other purposes.

The bill was read second time. The amendments proposed by the Committee on Internal Improvements prevailed.

Mr. Humphrey moved to amend by inserting after the word "roads" in line 16, the words:

*"Provided, that the same shall be made uniform throughout its whole line."*

The amendment prevailed.

Mr. Merrimon moved to amend by inserting after the word "company," in line 36, section 6, the words:

*"Provided, That said commissioners shall set apart out of the proceeds of the sales of said bonds a sum of money not less than one million eight hundred thousand dollars, to be applied to the construction of said Western North Carolina Railroad, from Old Fort, by way of Asheville, to Paint Rock, and to no other purpose."*

The amendment prevailed.



Mr. Seymour moved to amend by striking out in lines 13 and 14, section 3, the words, "or in order to unite and cooperate the said two lines of railroads under one management."

The amendment prevailed.

Mr. Love moved to amend by inserting the following as a new section :

"SECTION. That immediately after the sale of the first mortgage bonds under this act the said North Carolina Railroad Company shall commence work on the line of the road between Old Fort and Paint Rock, and continue the work thereon without intermission until the work is completed between said points; and immediately thereafter it shall be the duty of the said company to commence work on the line between Asheville and the Georgia or Tennessee line, in Cherokee county, and continue the work thereon until said line is completed; and to enable said company to carry on and continue said work, it is hereby made the duty of the commissioners named in this act to reserve from the proceeds of the sale of said bonds a sum of money not less than \$750,000 in cash, to be applied only in the construction of said line between Asheville and the Georgia and Tennessee line, in Cherokee county. And all monies raised on any bonds issued on any part of the line west of Asheville, shall be applied exclusively on the line between Asheville and the Georgia and Tennessee line, in Cherokee county."

The amendment prevailed.

Mr. Merrimon moved to amend by inserting after the word company, in line 34, section 6, the words "including debts due from the Eastern and Western Divisions of the North Carolina Railroad Company, to contractors on said road for work actually done by them."

Mr. Troy moved to amend the amendment by adding thereto the words "not exceeding \$20,000, which

shall be paid *pro rata* to said contractors." The amendment to the amendment prevailed.

The question then recurring on the amendment offered by Mr. Merrimon, the yeas and nays were ordered, and the amendment did not prevail. Yeas 16; nays 17.

*Yeas*—Messrs. Avera, Cowles, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Mabson, Merrimon, Miller, Nicholson, Powell, Ransom, Smith, Stafford and Todd—16.

*Nays*—Messrs. Allen, Barnhardt, Cramer Cunningham, Grandy, Hill, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Price, Scott, Seymour, Troy, Walker, Welch and Worth—17.

Mr. Morehead of Guilford, moved to amend by striking out the words "seventy-five cents," in lines 37 and 38, section 6, and inserting the words "ninety cents."

Mr. Avera moved to amend the amendment by striking out the words "ninety cents," and inserting the words "one dollar."

Mr. Humphrey called for a division of the question.

The question then recurring on the motion to strike out, it was agreed to by the Senate.

The question then recurring on the motion to insert the words "one dollar," it did not prevail.

The question then recurring on the motion to insert "ninety cents," the yeas and nays were ordered on demand of Mr. Morehead of Guilford, and the motion did not prevail. Yeas 18, nays 25.

*Yeas*—Messrs. Avera, Cowles, Cunningham, Davis, Dunham, Horton, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Smith, Stafford, Todd, Troy, Waring and Worth.—18.

*Nays*—Messrs. Cramer, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, Mabson,



McCabe, McCotter, Merrimon, Miller, Norwood, Scott, Seymour, Walker and Welch—25.

Mr. Seymour moved to amend by striking out the proviso in line 36, section 6. The amendment prevailed.

Mr. Cowles moved to amend by inserting the following as an additional section between sections 4 and 5:

“That the North Western Railroad Company, now completed to the town of Salem, North Carolina, shall be in like manner consolidated, as other roads mentioned in this act, subject to all the restrictions, limitations and restraints, and entitled to all the rights privileges and franchises heretofore conferred, and by this act conferred, upon the roads herein proposed to be consolidated. And the President and Directors of the consolidated company, created by this act, are hereby required to purchase and relieve said North Western Railroad from all incumbrances whatsoever, and to that end, and for the purpose of completing the road from the town of Salem to the Tennessee line they are required and fully authorized to use one dollar out of every four realized by the sale of the mortgage bonds authorized by this act.”

Mr. Troy moved to amend the amendment by striking out the word “four” in line 25 thereof, and inserting the word “eight” in lieu thereof.

The amendment to the amendment did not prevail.

The question then recurring on the amendment offered by Mr. Cowles, the yeas and nays were ordered, on demand of that Senator, and the amendment did not prevail. Yeas 9; nays 29.

*Yeas*—Messrs. Cowles, Dunham, Horton, Nicholson, Powell, Price, Ransom, Stafford and Todd—9.

*Nays*—Messrs. Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Humphrey, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rocking-

ham, Murray, Norwood, Scott, Smith, Walker, Waring, Welch and Worth—29.

The question then recurring on its passage the bill passed second time. Yeas 25; nays 12.

*Yeas*—Messrs. Allen, Avera, Cramer, Ellis of Catawba, Flemming, Gudger, Humphrey, Hyman, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Norwood, Price, Scott, Seymour, Smith, Troy, Waring, Welch and Worth—25.

*Nays*—Messrs. Cowles, Cunningham, Davis, Dunham, Grandy, Horton, Johnston, Murray, Nicholson, Powell, Ransom and Todd—12.

The bill was recommitted to the Committee on Internal Improvements.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to prevent frauds in the sale of commercial manures.

An act to prohibit the sale of ardent spirits to minors.

Resolution in favor of Josiah Turner, Jr.

S. B. No. 340: A bill to be entitled an act to enlarge the Insane Asylum of North Carolina, and for the better government of the same, was taken up and made the special order for Monday, the first of February, at 11½ A. M.

The Chair announced a communication from the Public Treasurer.

Mr. Troy moved that the communication be printed for the use of the Senate and that two hundred and fifty copies be printed in addition for distribution by the Public Treasurer. The motion prevailed.

The following named bills, reported as correctly engrossed by Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence:

S. B. No. 424: A bill to be entitled an act to incorporate the North Carolina Gold Amalgamating Company.



S. B. No. 19: A bill to be entitled an act supplemental to and explanatory of all acts of incorporation passed by the present General Assembly.

S. B. No. 301: A bill to be entitled an act to lay off and establish a public road in the counties of Davidson and Davie, and to establish a public ferry across the Yadkin river.

A message was received from the House of Representatives informing the Senate that that body had concurred in the proposition to go into an election for trustees of the University of North Carolina at 3½ o'clock to-day.

On motion the Senate adjourned.

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#### EVENING SESSION.

7½ P. M., SENATE CHAMBER, January 28th, 1874.

A message was received from the House of Representatives informing the Senate that that body had passed the following resolution:

*“Resolved*, by the House of Representatives, the Senate concurring, That in the election for trustees of the University, eight shall be elected for each Congressional District of this State.”

The Senate concurred in the resolution and the House of Representatives was informed thereof by message.

On motion of Mr. Troy, it was ordered that a message be sent to the House of Representatives informing that body that the Senate in pursuance of the joint order of this morning, was ready to go into an election for trustees of the University of North Carolina, and would proceed to vote on the return of the messenger.

A message was received from the House of Representatives informing the Senate that upon the return of the mes-

senger that body would proceed to vote for trustees by Congressional Districts commencing with the First Congressional District, and that the following named gentlemen were in nomination before that body :

Messrs. Duncan C. Winston of Bertie, John A. Moore of Washington, C. B. Hassell of Martin, Lewis Hilliard of Pitt, D. M. Carter of Beaufort, William B. Shaw of Currituck, William F. Martin of Pasquotank and Mills L. Eure of Gates; and that Messrs. Craige and Wheeler would superintend the election on the part of the House.

The Chair appointed Messrs. Cunningham and Grandy to conduct the election on the part of the Senate and the House of Representatives was notified thereof by message.

The Senate then proceeded to vote *viva voce*, as follows :

#### FIRST DISTRICT.

For Messrs. D. M. Carter of Beaufort, Mills L. Eure of Gates, W. F. Martin of Pasquotank, William B. Shaw of Currituck, Louis Hilliard of Pitt, John A. Moore of Washington, C. B. Hassell of Martin and Duncan C. Winston of Bertie :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.

#### SECOND DISTRICT.

For Messrs. William H. Johnston of Edgecombe, John E. Dugger of Warren, William T. Dortch of Wayne, George Green of Craven, William H. Day of Halifax, J. DeB. Hooper of Wilson, Robert B. Peebles of Northampton, and Benjamin S. Hardy of Greene :



Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, Hyman, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.

#### THIRD DISTRICT.

For Messrs. Fourney George of Columbus, W. L. Saunders of New Hanover, R. W. Nixon of Onslow, B. F. Grady of Sampson, Rev. Neill McKay of Harnett, Dr. John McIver of Moore, T. D. McDowell of Bladen and R. W. Milard of Duplin :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Todd, Troy, Walker, Waring, Welch and Worth.

#### FOURTH DISTRICT.

For Messrs. J. H. Thorp of Nash, J. S. Amis of Granville, Paul C. Cameron of Orange, C. B. Sanders of Johnston, John Manning of Chatham, Joseph J. Davis of Franklin, Kemp P. Battle of Wake, and William A. Graham of Orange :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Grandy, Harris, Hill, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Troy, Walker, Waring, Welch and Worth.

## FIFTH DISTRICT.

For H. Clay Thomas of Davidson, Rufus Frazer of Randolph, M. S. Robbins of Randolph, J. A. Gilmer of Guilford, John Kerr of Caswell, J. L. Ducenbery of Davidson, David S. Reid of Rockingham, and James A. Graham of Alamance :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Horton, Humphrey, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Welch and Worth.

## SIXTH DISTRICT.

For Messrs. Archibald Purcell of Robeson, James C. Marshall of Anson, Walter L. Steele of Richmond, S. H. Walkup of Union, Z. B. Vance of Mecklenburg, John F. Hoke of Lincoln, Paul B. Means of Cabarrus, and W. J. Ewing of Montgomery :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Long, Love, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.

## SEVENTH DISTRICT.

For Messrs. R. L. Patterson of Forsythe, J. F. Graves of Surry, Joseph Williams of Yadkin, W. Kelly Gibbs of Davie, George B. Wetmore of Rowan, E. Hayne Davis of Iredell, C. L. Cook of Wilkes and G. H. Hamilton of Ashe :

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham,



Davis, Dunham, Ellis of Columbus, Flemming, Hill, Horton, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.

EIGHTH DISTRICT.

For Messrs. D. Coleman of Buncombe, C. D. Smith of Macon, S. McD. Tate of Burke, W. L. Twitty of Rutherford, J. D. Hyman of Henderson, E. W. Jones of Caldwell, W. C. Bowman of Mitchell and J. O. Hicks of Clay.

Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Horton, Hyman, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth.

On motion, the Senate adjourned.

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FORTY-SIXTH DAY.

SENATE CHAMBER, January 30th, 1874.

Journal of yesterday was read.

Mr. Ellis of Columbus presented a petition from citizens of Columbus county, praying a prohibitory law within two miles of Christian Plains Methodist Church in said county, which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Messrs. Davis and Scott for Monday and Tuesday next.

Reports from standing committees were submitted, as follows :

From Committee on Judiciary :

By Mr. Allen, S. B. No. 351, H. B. No. 326 : A bill to be entitled an act in reference to meetings of the stockholders and directors of the Carolina Central Railway Company, with accompanying amendments.

From Committee on Propositions and Grievances :

By Mr. McCotter, S. B. 533 : A bill to be entitled an act to abolish the office of State Geologist, with a recommendation that it do pass.

By Mr. Avera, S. B. No. 525, H. B. No. 442 : A bill to be entitled an act to include the county of Hyde within the provisions of the act relating to fences, and for the protection of crops, with a recommendation that it do pass.

From Committee on Internal Improvements :

By Mr. Morehead of Rockingham, S. B. No. 512 : A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes, with a recommendation that it do pass.

The bill was made special order for 12½ P. M. of to-day.

H. B. No. 439 : A bill to be entitled an act to amend an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, ratified Dec. 20th, 1873, with a recommendation that it do not pass.

The following amendment, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

Amendments to S. B. No. 192, H. B. No. 37 : A bill to be entitled an act to incorporate the congregation of United Brethren of the town of Salem and vicinity, commonly called Moravians.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :



An act to incorporate the town of Pine Level, in Johnston county.

An act concerning Rock Spring Seminary and to incorporate a board of trustees therefor.

An act to incorporate the town of Teachey's in Duplin county.

An act in favor of certain officers and tax payers in Nash county.

An act to prevent persons from carrying torchlights through covered bridges in Randolph county.

An act to incorporate the North Carolina Gold Amalgamating Company.

Mr. Cunningham submitted the following report on behalf of the committee to superintend the election of Trustees of the University of North Carolina :

FIRST CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	35
Number of votes cast in the House of Representatives,	102

Whole number of votes cast,	137
Necessary to a choice,	69

Of which D. M. Carter of Beaufort, received 137; Mills L. Eure of Gates, 137; W. F. Martin of Pasquotank, 137; W. B. Shaw of Currituck, 137; Louis Hilliard of Pitt, 137; John A. Moore of Washington, 137; C. B. Hassell of Martin, 137; Duncan C. Winston of Bertie 137. All of whom having received a majority of all the votes cast are duly elected Trustees of the University of North Carolina.

SECOND CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	34
Number of votes cast in the House of Representatives,	98

Whole number of votes cast,	132
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Necessary to a choice, 67

Of which William H. Johnston of Edgecombe, received 132 votes; George E. Dugger of Warren, 132; W. T. Faircloth of Wayne, 98; George Green of Craven, 132; William H. Day of Halifax, 132; J. DeB. Hooper of Wilson, 132; Robt. B. Peebles of Northampton, 132; Benjamin S. Hardy of Greene, 132, and W. T. Dotch 34.

Messrs. W. H. Johnston, John E. Dugger, W. T. Faircloth, George Greene, William H. Day, J. DeB. Hooper, Robert B. Peebles and Benjamin S. Hardy having received a majority of all the votes cast were duly elected Trustees of the University of North Carolina.

#### THIRD CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate, 34

Number of votes cast in the House of Representatives, 89

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Whole number of votes, 123

Necessary to a choice, 67

Of which Messrs. Fournery George of Columbus, received 123; W. L. Saunders of New Hanover, 123; R. W. Nixon of Onslow, 123; B. F. Grady of Sampson, 123; Rev. Neill McKay of Harnett, 123; Dr. John McIver of Moore, 123; T. D. McDowell of Bladen 123; and R. W. Millard of Duplin, 123, having received a majority of all the votes cast were duly elected Trustees of the University of North Carolina.

#### FOURTH CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate, 35

Number of votes cast in the House of Representatives, 89

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Whole number of votes cast, 124

Number necessary to a choice, 63

Of which Messrs. J. H. Thorp of Nash, received 124; J. S.



Amis of Granville, 124; P. C. Cameron of Orange, 124; C. B. Sanders of Johnston 124; John Manning of Chatham, 124; Joseph J. Davis of Franklin, 124; Kemp P. Battle of Wake, 124, and William A. Graham of Orange, 124, and having received a majority of all the votes cast, were duly elected Trustees of the University of North Carolina.

## FIFTH CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	36
Number of votes cast in the House of Representatives,	86
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Whole number of votes cast,	122
Necessary to a choice,	62

Of which H. Clay Thomas of Davidson received 122; Rufus Frazer of Randolph, 122; M. S. Robbins of Randolph, 122; J. A. Gilmer of Guilford, 122; John Kerr of Caswell, 122; J. L. Ducenbery of Davidson, 122; David S. Reid of Rockingham, 122, and James A. Graham of Alamance, 122, and having received a majority of all the votes cast, were duly elected Trustees of the University of North Carolina.

## SIXTH CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	35
Number of votes cast in the House of Representatives,	85
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Whole number of votes cast,	120
Necessary to a choice,	61

Of which Archibald Purcell of Robeson, received 120; James C. Marshall of Anson, 120; Walter L. Steele of Richmond, 120; S. H. Walkup of Union, 120; Z. B. Vance of Mecklenburg, 120; John F. Hoke of Lincoln, 120; Paul B. Means of Cabarrus, 120, and W. J. Ewing of Montgomery, 120, and having received a majority of all the votes

cast were duly elected Trustees of the University of North Carolina.

## SEVENTH CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	33
Number of votes cast in the House of Representatives,	87

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Whole number of votes cast,	120
Necessary to a choice,	61

Of which R. L. Patterson of Forsythe, received 120; J. F. Graves of Surry, 120; Joseph Williams of Yadkin, 120; W. Kelly Gibbs of Davie, 120; George B. Wetmore of Rowan, 120; E. Hayne Davis of Iredell, 120; C. L. Cook of Wilkes, 120; and G. H. Hamilton of Ashe, 120, and having received a majority of all the votes cast were duly elected Trustees of the University of North Carolina.

## EIGHTH CONGRESSIONAL DISTRICT.

Number of votes cast in the Senate,	35
Number of votes cast in the House of Representatives,	77

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Whole number of votes,	112
Necessary to a choice,	57

Of which D. Coleman of Buncombe, received 112; C. D. Smith of Macon, 112; S. McD. Tate of Burke, 112; W. L. Twitty of Rutherford, 112; J. D. Hyman of Henderson, 112; E. W. Jones of Caldwell, 112; W. C. Bowman of Mitchell, 112, and J. O. Hicks of Clay, 112, and having received a majority of all the votes cast were duly elected Trustees of the University of North Carolina.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Allen: A bill to be entitled an act supplemental to and amendatory of the act entitled an act regulating the



time of holding the Superior Courts of the Fourth Judicial District. Placed on the Calendar.

By Mr. Love: Resolution in favor of Samuel Cabe. Placed on the Calendar.

Mr. Ayera introduced the following resolution which was read and adopted.

*“Resolved*, by the Senate, that a message be sent to His Excellency the Governor, requesting him to furnish this body with an itemized statement of the amount of warrants drawn in favor of the State Geologist or the Department of Geology, for the years 1868, 1869, 1870, 1871, 1872 and 1873, inclusive, and on what account such amounts were drawn.”

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 53, a bill to be entitled an act to abolish the office of State Geologist.

The bill was made special order for Tuesday, the third of February, at 12 M.

The Senate then proceeded to consider the next special order, to-wit: S. B. No. 66, H. B. No. 12, a bill to be entitled an act to repeal chapter 68, laws of 1871-'72.

The bill was read and passed second time.

On motion the rules were suspended and the bill was read and passed third time. Yeas 32; nays 1.

*Yeas*—Messrs. Ayera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Guder, Hill, Holloman, Johnston, King, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays*—Mr. Seymour.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 529, H. B. No. 416: A bill to be entitled an act to provide for a special election in the county of Caldwell. Read and passed third time. Yeas 29; nays 2.

*Yeas*.—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Holloman, Horton, Humphrey, Hyman, King, Long, Love, McCabe, Miller, Murray, Nicholson, Norwood, Powell, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Nays*—Messrs. Grandy and Morehead of Rockingham—2.

A bill to be entitled an act supplemental to, and amendatory of, an act entitled an act regulating the times of holding the Superior Courts of the Fourth Judicial District. Read and passed second and third times. Yeas 34; nays 3.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Hill, Holloman, Humphrey, Hyman, King, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—34.

*Nays*—Messrs. Grandy, Johnston and Morehead of Rockingham—3.

S. B. No. 488, H. B. No. 389: A bill to be entitled an act concerning commissioners of affidavits and probate of deeds in other States and Territories, and the District of Columbia. Read and passed second and third times. Yeas 32; nays none.

*Yeas*—Messrs Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Holloman, Horton, Johnston, King, Long, Love, McCabe, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Seymour, Smith, Todd Troy, Walker, Welch and Worth—32.

*Nays*—none.

S. B. No. 460: A bill to be entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter. Read and passed second and third times. Yeas 24; nays 2.

*Yeas*.—Messrs. Avera, Cowles, Cunningham, Davis, Ellis



of Catawba, Ellis of Columbus, Horton, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Murray, Norwood, Powell Seymour, Stafford, Todd, Walker, Waring, Welch and Worth—24.

*Nays*—Messrs. Morehead of Rockingham and Nicholson—2.

S. B. No. 393: A bill to be entitled an act to authorize the town of Hickory, in the county of Catawba, to issue bonds for the purpose of aiding the Carolina Central Railway in extending their railway, and for other purposes. Read and passed third time. Yeas 24; nays 6.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Holloman, Horton, Hyman, Love, McCabe, Merrimon, Miller, Murray, Nicholson, Powell, Price, Seymour, Stafford, Troy, Welch and Worth—24.

*Nays*—Messrs. Cunningham, Davis, Morehead of Rockingham, Norwood, Todd and Walker—6.

S. B. No. 398: A bill to be entitled an act to prevent the storing of guano and other fertilizers within the corporate limits of the town of Tarboro.

The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed and the bill passed second time.

The bill was then read and passed third time. Yeas 30; nays 3.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Horton, Hyman, Long, Love, McCabe, McCotter, Morehead of Rockingham, Murphy, Norwood, Powell, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—30.

*Nays*—Messrs. Miller and Nicholson—2.

S. B. No. 276: A bill to be entitled an act concerning elections of certain officers.

Made special order for to-morrow at 12 M.

S. B. No. 276: A bill to be entitled an act concerning elections in this State.

Made special order for Monday next, the second of February, at 12 M.

S. B. No. 286, H. B. No. 163: A bill to be entitled an act to amend chapter 90 laws of 1872-'73. Made special order for Tuesday, 3rd February, 1874, at 12 M.

S. B. No. 562: A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities. Made special order for Wednesday, 4th February, at 1 P. M.

S. B. No. 188: A bill to be entitled an act to confirm the sale of certain public lands to S. T. Carrow.

Made special order for Monday the 3d February at 12:25 P. M.

At 12 $\frac{1}{2}$  P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad and for other purposes.

The bill was read third time.

Mr. Todd moved to amend by inserting after the word "places," in line 4, section 12, the words:

"But no person shall be a commissioner, director or general manager who has heretofore or may hereafter decline to testify before any committee, legislative or otherwise, or before any court of competent jurisdiction in regard to any matter touching or growing out of his conduct while president or director of any Railroad, or while acting in any other public fiduciary capacity, on the ground that if he were to testify he would criminate himself, or on any kindred or like grounds."

Mr. Morehead of Guilford, moved to amend the amendment by inserting after the word "jurisdiction," the words, "or who has been convicted of embezzlement, or who has



failed to return to the Treasury any special tax bonds, as required by law."

The amendment to the amendment prevailed.

The question then recurring on the amendment offered by Mr. Todd, the yeas and nays were ordered on demand of Mr. Welch, and the amendment prevailed. Yeas 31; nays 9.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Columbus, Grandy, Harris, Holloman, Horton, Hyman, Long, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Seymour, Stafford, Todd, Troy, Waring and Worth—31.

*Nays*—Messrs. Gudger, Hill, Humphrey, King, Love, McCabe, Murphy, Walker and Welch—9.

Mr. Love moved to amend by inserting before the word "applied" in section 16 the words "set apart by the commissioners to be." The amendment prevailed.

Mr. Avera moved to amend by inserting after the word "company" in line 36, section 5, the words:

*"Provided*, that all other corporations and individuals shall have the same right to issue bonds and promissory notes and negotiate loans on the same terms as are granted this corporation in the issue, negotiation and sale of its bonds, and the purchasers of such bonds or promissory note shall not be barred collection on plea of usury."

The President decided that the amendment was not in order.

From the decision of the chair Mr. Avera appealed to that of the Senate.

The chair having put the question "shall the decision of the chair stand as the decision of the Senate," the yeas and nays were ordered and it was decided in the affirmative. Yeas 36; nays 3.

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Grandy, Gudger, Harris,

Hill, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Ransom, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—36.

*Nays.*—Messrs. Avera, Morehead of Rockingham and Powell—3.

On motion, the Senate adjourned until 7½ o'clock to-night.

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### EVENING SESSION.

SENATE CHAMBER, 7½ P. M., January 30th, 1874.

Leave of absence was granted to Mr. Cowles from to-morrow until Wednesday next.

The following named bills were reported from the Committee on Corporations, with recommendations that they do pass:

By Mr. Smith, S. B. No. 448, H. B. No. 451: A bill to be entitled an act to incorporate the People's Building and Loan Association of Morganton.

S. B. No. 449, H. B. No. 291: A bill to be entitled an act to incorporate the Frizzell's Citizens' Fire Company of Fayetteville.

S. B. No. 559, H. B. No. 452: A bill to be entitled an act in relation to the town of Trenton in Jones county.

S. B. No. 555, H. B. No. 259: A bill to be entitled an act to change the corporate limits of the town of Rockingham, in Richmond county. And

S. B. No. 554, H. B. No. 423: A bill to be entitled an act to amend the charter of the town of Battleboro.

By Mr. Welch, S. B. No. 526, H. B. No. 422: A bill to be entitled an act to incorporate the Ramseytown Baptist Church, in Yancey county.

S. B. No. 474, H. B. No. 337: A bill to be entitled an act



to incorporate the town of Creswell, in Washington county.

S. B. No. 527, H. B. No. 385 : A bill to entitled an act to incorporate the village of King's Mountain in the county of Cleaveland.

S. B. No. 471, H. B. No. 336 : A bill to be entitled an act to incorporate the town of Manson in the county of Warren.

S. B. No. 388, H. B. No. 274 : A bill to be entitled an act to incorporate the town of Germantown in the county of Stokes.

S. B. No. 435, H. B. No. 323 : A bill to be entitled an act to incorporate he town of Engelhard, in the county of Hyde.

S. B. No. 510, A bill to be entitled an act to incorporate the town of Vandermeer.

S. B. No. 465 : A bill to be entitled an act to incorporate the Cape Fear Cotton and Woolen Mills.

S. B. No. 466 ; A bill to be entitled an act to incorporate the Lockville Cotton and Woolen Mills. And

S. B. No. 392. H. B. No. 235 : A bill to be entitled an act to incorporate Sandy Cross Colored Farmers' Mutual Aid Society of Gates county.

By Mr. Price : S. B. No. 469, H. B. No. 321 : A bill to be entitled an act to incorporate Smith Grove Camp Ground in Davie county. And

S. B. No. 472, H. B. No. 398 : A bill to be entitled an act to incorporate the town of Gold Hill in the county of Rowan.

Mr. Hill introduced the following bill which was read and passed first time and referred to the Committee on Judiciary :

A bill to be entitled an act to repeal chapter 54 and chapter 20 acts of General Assembly, 1872-'73.

Bills on third reading were acted on, as follows :

S. B. No. 161, H. B. No. 76 : A bill to be entitled an act to enable the commissioners of Surry county to consolidate and pay the debt of said county. Read and passed third third time, Yeas 32 ; nays 2.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming,

Hill, Holloman, Horton, Hyman, King, Long, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Powell, Ransom, Seymour, Smith, Stafford, Todd, Troy, Waring, Welch and Worth—32.

*Nays*—Messrs. Gudger and Love—2.

S. B. No. 229, H. B. No. 143: A bill to be entitled an act to authorize the commissioners of Nash county to levy a special tax. Read and passed third time. Yeas 25; nays 11.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Stafford, Todd, Troy, Waring, Welch and Worth—25.

*Nays*—Messrs. Eppes, Gudger, Hill, Holloman, Hyman, Johnston, King, McCabe, McCotter, Seymour and Smith—11.

S. B. No. 232: A bill to be entitled an act to allow the commissioners of Duplin county to levy a special tax. Read and passed third time. Yeas 34; nays 2.

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Johnston, Long, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Price, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—34.

*Nays*—Messrs. Love and McCabe—2.

S. B. No. 287: A bill to be entitled an act to empower the board of commissioners of Burke county to levy a special tax. Read and passed third time. Yeas 26; nays 12.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Columbus, Flemming, Gudger, Hill, Holloman, Horton, Humphrey, Johnston, McCauley, Miller, Murphy, Nicholson, Powell, Price, Seymour, Smith, Stafford, Troy, Walker, Waring and Worth—26.



*Nays*—Messrs. Ellis of Catawba, Eppes, Hyman, King, Long, Love, McCabe, McCotter, Merrimon, Morehead of Rockingham and Todd—12.

S. B. No. 343, H. B. No. 183: A bill to be entitled an act to amend the charter of the town of Hillsboro, in Orange county. The bill was read third time.

Mr. Flemming moved to amend by striking out section 2. The amendment prevailed, and the bill passed third time. Yeas 32; nays 7.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Hill, Holloman, Horton, Johnston, Long, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Waring Welch and Worth—32.

*Nays*—Messrs. Cowles, Gudger, King, Love, McCabe, McCotter and Merrimon—7.

At 8 P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 249, H. B. No. 149: A bill to be entitled an act to amend the charter of Newbern. The bill was read third time.

Mr. Seymour moved to amend section 5 by striking out the words, "four fifths," and inserting the words, "five sevenths." The amendment did not prevail.

Mr. Seymour moved to amend by striking out the last three lines of section 1. The amendment did not prevail.

Mr. Seymour moved to amend by striking out the last section and inserting in lieu thereof the words, "This act shall not take effect until after it has been submitted to a vote of the qualified voters of the city of Newbern."

The yeas and nays were ordered on demand of Mr. Seymour, and the amendment did not prevail. Yeas 14; nays 25.

*Yeas*—Messrs. Cramer, Eppes, Hill, Holloman, Hyman, Johnston, Long, Love, McCabe, McCotter, Ransom, Seymour, Smith and Walker—14.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cun-

ningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, King, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Stafford, Todd, Troy, Waring and Worth—25.

The question then recurring on its passage, the bill passed third time. Yeas 29; nays 9.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Horton, Humphrey, King, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Powell, Smith, Stafford, Todd, Troy, Waring, Welch and Worth—29.

*Nays*—Messrs. Cramer, Eppes, Hill, Hyman, Johnston, Long, McCabe, Seymour and Walker—9.

Mr. McCabe moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Hyman, and the motion prevailed. Yeas 20; nays 19.

*Yeas*—Messrs. Allen, Cramer, Ellis of Catawba, Eppes, Flemming, Hill, Horton, Humphrey, Johnston, Love, McCauley, Merrimon, Miller, Powell, Price, Seymour, Smith, Todd, Welch and Worth—20.

*Nays*—Messrs. Avera, Cowles, Cunningham, Ellis of Columbus, Gudger, Holloman, Hyman, King, Long, McCotter, Morehead of Guilford, Murphy, Murray, Nicholson, Ransom, Stafford, Troy, Walker and Waring—19.

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#### FORTY-SEVENTH DAY.

SENATE CHAMBER, January 23d, 1874.

Journal of yesterday was read.

The chair announced a communication from the Public



Treasurer, supplemental to the report of the 28th instant, made by that officer.

Mr. Troy moved that the communication be printed for the use of the Senate, and that two hundred and fifty copies be printed for distribution by the Public Treasurer. The motion prevailed.

Mr. Flemming presented a petition from citizens of McDowell county, in relation to a public road, which was referred to the Committee on Propositions and Grievances.

Mr. McCabe on behalf of himself and others presented the following protest against the adoption of the amendment offered by Mr. Todd on yesterday to S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes.

PROTEST.

The undersigned voted in the negative upon the amendment for the following reasons :

The Supreme Court has held that a State director is an officer.

We are of opinion that the General Assembly has no power to prescribe qualifications for persons holding office.

We think it is an invasion of the rights of the Executive Department, and an imputation against the Governor, Tod R. Caldwell, who has the appointing power, in whose integrity we have full confidence.

L. W. HUMPHREY,  
A. McCABE,  
G. N. HILL,  
R. W. KING,  
W. L. LOVE,  
MARTIN WALKER.

Reports from standing committees were submitted, as follows :

From Committee on Corporations :

By Mr. Welch, S. B. No. 539: A bill to be entitled an act to incorporate the Western North Carolina Land Company, with accompanying amendments.

S. B. No. 451, H. B. No. 412: A bill to be entitled an act to incorporate St. John's Lodge, No. 12, of Free and Accepted A. Y. Masons, of Greensboro, Guilford county, with a recommendation that it do pass.

H. B. No. 401: A bill to be entitled an act to incorporate the town of Saratoga, in the county of Wilson, with a recommendation that it do pass.

S. B. No. 558, H. B. No. 290: A bill to be entitled an act to incorporate Union Camp Ground, in McDowell county, with a recommendation that it do pass.

S. B. No. 522: A bill to incorporate Justitia Lodge, No. 11, Knights of Pythias, of Goldsboro, North Carolina, with a recommendation that it do pass.

S. B. No. 492, H. B. 399: A bill to incorporate the town of Leicester, in the county of Buncombe, with a recommendation that it do pass.

S. B. 523: A bill to be entitled an act to incorporate the Watch Tower Publishing Company, with a recommendation that it do pass.

S. B. No. 477, H. B. No. 324: A bill to incorporate Lilesville, in the county of Anson, with a recommendation that it do pass.

S. B. No. 536: A bill to be entitled an act to incorporate the town of Leaksville, Rockingham county.

By Mr. Avera, S. B. No. 450, H. B. No. 433: A bill to be entitled an act to amend section 3 of an act concerning Clover Hill Camp Ground, &c., and section 3 of an act concerning Sharon Camp Ground, &c., with a recommendation that it do pass.

S. B. No. 546, H. B. No. 434: A bill to be entitled an act to extend the corporate limits of the town of Wilson, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 448: A bill to be entitled an act to



repeal chapter 48 of Battle's Revisal, so far as Scotland Neck, in Halifax county, is concerned, with accompanying amendments.

S. B. No. 294: A bill to be entitled an act to lay off and establish a new county by the name of Jefferson, with a recommendation that it be indefinitely postponed. The recommendation was concurred in by the Senate.

S. B. No. 463: A bill to be entitled an act to repeal the fence laws in the counties of Chowan and Perquimans, and for other purposes, with a recommendation that it do not pass.

S. B. No. 541: A bill to be entitled an act to repeal chapter 171 of laws 1872-'73, so much as relates to Rutherfordton, in the county of Rutherford, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

S. B. No. 538: A bill to be entitled an act to amend chapter 97, section 27, of Battle's Revisal, with a recommendation that it do pass.

Mr. Love also reported the following named petitions and memorials from said committee with a request that the committee be discharged from the further consideration thereof, and on motion, the committee was discharged:

Memorial from a portion of the citizens of Bladen to change the line.

S. P. No. 458: Petition from citizens of Big Lick Township, Stanley county, praying the prohibitory act for said place.

Petitions from citizens of Rutherfordton on the liquor traffic.

S. P. No. 485: Petition from the citizens of Windfall, Perquimans county, praying a repeal of the laws prohibiting the sale of spirituous liquors within one mile of that village.

S. P. No. 515: Petition of citizens of Robeson county praying the passage of House Bill repealing the prohibitory law at Lumberton, in said county.

S. P. No. 507 : Petition from citizens of Pantego Township, in Beaufort county, against the passage of a law prohibiting the sale of liquor in certain localities ; and

S. P. No. 506 : Petition from the citizens of Pantego Township, in Beaufort county, asking for the prohibition of the sale of intoxicating liquors within two miles of Hebron Church.

From Committee on Penal Institutions :

By Mr. Troy, S. B. No. 27 : A bill to be entitled an act to prevent whipping in the State's prisons and jails, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From Committee on Judiciary :

By Mr. Merrimon, S. B. No. 514, H. B. No. 402 : A bill to be entitled an act to amend chapter 193, laws of 1872-'73, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

S. B. No. 491 : A bill to be entitled an act respecting contracts, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Grandy, S. B. No. 457 : A bill to be entitled an act to alter the name of Lucky Harrison Smith, of Craven county, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

S. B. No. 461 : A bill to be entitled an act to authorize the registration of deeds in certain cases, with a recommendation that it do not pass.

By Mr. Seymour, S. B. No. 349 : A bill to be entitled an act for the better care and protection of the orphan children of the State, with a recommendation that it do pass.

S. B. No. 603 : A bill to be entitled an act in relation to judgments, with accompanying amendments.

By Mr. Morehead of Guilford, S. B. No. 500, H. B. No. 171 : A bill to be entitled an act to make the jurisdiction of Justices of the Peace final in certain criminal matters, with a recommendation that it do not pass.

By Mr. Todd, S. B. No. 387, H. B. No. 168 : A bill to be



entitled an act to appoint a Public Guardian, with a recommendation that it do not pass.

H. B. No. 253 : A bill to be entitled an act to legalize the acts of the commissioners of Watauga county, with a recommendation that it do pass.

By Mr. Flemming, S. B. No. 492 : A bill to be entitled an act concerning attachments, with a recommendation that it do not pass.

S. B. No. 396, H. B. No. 123 : A bill to be entitled an act to amend chapter 197, laws of 1871-'72, entitled an act to empower the Superior Court Judges to appoint a commissioner in certain cases for the settlement of estates, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Flemming, S. B. No. 493 : A bill to be entitled an act to change the time of holding the Superior Courts in the Third Judicial District, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By the Committee on Penal institutions : A bill to be entitled an act for the government of the Penitentiary.

Placed on the Calendar and ordered to be printed together with the report of the Committee, for the use of both Houses of the General Assembly.

By Mr. Harris : A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank of Raleigh. To the Committee on Corporations.

By Mr. Seymour : A bill to be entitled an act for the prevention of cruelty to animals. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 419 : A bill to be entitled an act for the better protection of sheep in Jackson and other counties. To the Committee on Agriculture, mechanics and mining.

H. B. No. 408 : A bill to be entitled an act to prohibit the

sale of spirituous liquors in certain localities in Bladen county. To the Committee on Propositions and Grievances.

H. B. No. 431: A bill to be entitled an act giving the Superior Court of Martin county concurrent jurisdiction with Bertie county over misdemeanors committed on Conine Island, in Bertie county. To the Committee on Judiciary.

H. B. No. 411: A bill to be entitled an act to incorporate the town of Winton, in the county of Hertford. To the Committee on Corporations.

H. B. No. 255: A bill to be entitled an act to secure the better drainage of the low lands of Clark's and Maiden's Creeks in the counties of Lincoln and Catawba. To the Committee on Propositions and Grievances.

Mr. Norwood introduced certain resolutions in the nature of a memorial to Congress, which were read and laid over under the rules.

The Senate then proceeded to consider the unfinished business of yesterday, to-wit: S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes.

The question recurring on the passage of the bill on its third reading, Mr. Morehead of Guilford, moved to amend by adding to section 17 the words:

"And upon the acceptance of this act as a part of the charter of the North Carolina Railroad Company, as provided in this section, the private stockholders shall be entitled to and shall elect seven of the directors of said corporation. And it shall be the duty of the Governor as soon as he is notified of the acceptance by the company of this act to designate five directors for the State, and the private stockholders may elect three directors in addition to those already elected by them. *Provided*, nothing herein contained shall effect the present law as to the regular meetings of the company or the terms of office of the officers thereof."



The yeas and nays were ordered, on demand, and the amendment did not prevail. Yeas 9; nays 23.

*Yeas*—Messrs. Cowles, Cunningham, Horton, McCauley, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood and Todd—9.

*Nays*—Messrs. Avera, Cramer, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Holloman, Humphrey, Johnston, Long, Love, McCabe, McCotter, Merrimon, Murphy, Price, Seymour, Smith, Troy, Walker, Waring and Welch—23.

Mr. Cowles moved to amend by inserting the following as an additional section between sections 4 and 5:

“That the North Western Rail Road, now completed to the town of Salem, be in like manner consolidated as other roads mentioned in this act, subject to all the restrictions, limitations and restraints, and be entitled to all the rights privileges and franchises heretofore conferred, and by this act conferred upon the roads herein proposed to be consolidated. And the president and directors of the consolidated company are hereby required to purchase and relieve said North Western Railroad from all incumbrances whatsoever to the end and for the purpose of completing the road from the town of Salem to the Tennessee line in accordance with the provisions of the charter of said North Western Railroad Company. And the President and Directors of the railroads by this act consolidated, are required and fully authorized to apply one-tenth of all the moneys realized from the sale of the mortgage bonds, authorized to be issued by this act, to building of said North Western Railroad.”

Mr. Seymour moved the previous question and the Senate ordered the main question to be put.

The question recurring on the amendment offered by Mr. Cowles the yeas and nays were ordered on demand of that Senator, and the amendment did not prevail. Yeas 10; nays 23.

*Yeas*—Messrs. Cowles, Flemming, Horton, McCauley, Morehead of Guilford, Nicholson, Price, Stafford, Todd and Troy—10.

*Nays*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Hill, Holloman, Humphrey, Long, Love, McCabe, Merrimon, Morehead of Rockingham, Murphy, Norwood, Seymour Walker, Waring, Welch and Worth—23.

The question then recurring on its passage, the bill passed third time. *Yeas* 31; *nays* 6.

*Yeas*.—Messrs. Avera, Cramer Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Hill, Holloman, Humphrey, Johnston, Love, McCabe, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Seymour, Smith, Stafford, Troy, Waring, Welch and Worth—31.

*Nays*—Messrs. Barnhardt, Cowles, Horton, Long, McCauley and Walker—6.

Mr Todd stated that he had paired with Mr. Allen, who would have voted in the affirmative.

Mr. Humphrey moved to reconsider the vote just had and to lay that motion on the table. The motion to lay on the table prevailed.

At 12 M the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 276, a bill to be entitled an act concerning the elections of certain officers.

Mr. Humphrey moved the previous question and the Senate ordered the main question to be put.

The question then recurring on the amendment heretofore offered by Mr. Grandy proposing to strike out certain words in section 1 of the bill, the yeas and nays were ordered, on demand of Mr. Grandy, and the amendment did not prevail. *Yeas* 15; *nays* 21.

*Yeas*—Messrs. Cramer, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith and Walker—15.



*Nays*—Messrs. Avera, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Todd, Troy, Waring, Welch and Worth—21.

The question then recurring on the amendment heretofore offered by Mr. Grandy, proposing to strike out section 2 of the bill, the yeas and nays were ordered, on demand of that Senator, and the amendment did not prevail. Yeas 15; nays 23.

*Yeas*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith and Walker—15.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring and Worth—23.

The question then recurring on its passage, the yeas and nays were ordered, on demand of Mr. Grandy, and the bill passed second time, Yeas 24; nays 15.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—24.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith and Walker—15.

On motion, the rules were suspended and the bill was read third time.

Mr. Harris moved that the further consideration of the bill be postponed and made special order for Wednesday next, at 12 M.

Mr. Morehead of Guilford moved the previous question.

The yeas and nays were ordered, on demand of Mr. Har-

ris, and the Senate ordered the main question to be put. Yeas 24; nays 12.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Humphrey, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—24.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Johnston, Long, McCabe, McCotter, Ransom and Smith—12.

The question then recurring on its passage, the bill passed third time. Yeas 24; nays 15.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—24.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith and Walker—15.

Bills were acted on, under a suspension of the rules, as follows :

S. B. No. 556, H. B. No. 332: A bill to be entitled an act to amend an act entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad, laws 1872-'73, chapter 19. Passed second and third times. Yeas 26; nays 3.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Holloman, Long, Love, McCauley, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—26.

*Nays*—Messrs. Grandy, Hill and McCabe—3.

S. B. No. 277: A bill to be entitled an act to amend chapter 182, Public Laws 1872-'73. Read and passed second and third times. Yeas 27; nays 1.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham,



Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Horton, Humphrey, Long, Love, McCabe, McCotter, Murphy, Nicholson, Norwood, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Nays*—Mr. Morehead of Rockingham—1.

S. B. No. 351, H. B. No. 323: A bill to be entitled an act in reference to the meetings of the stockholders and directors of the Carolina Central Railway Company.

The bill was read second time, the amendments proposed by the Committee on Judiciary prevailed and the bill passed second time. The bill was then read and passed third time. Yeas 30; nays 2.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Long, Love, McCabe, McCauley, McCotter, Morehead of Rockingham, Murphy, Nicholson, Norwood, Ransom, Seymour, Smith, Stafford, Todd, Walker, Waring and Worth—30.

*Nays*—Messrs. Cowles and Morehead of Guilford—2.

S. B. No. 241: A bill to be entitled to an act to adjust the State Debt. Made special order for Tuesday next at 11:35 A. M.

S. B. No. 538: A bill to be entitled an act to amend chapter 97, section 27 of Battle's Revisal. Read and passed second and third times. Yeas 24; nays 4.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Long, Love, Murphy, Nicholson, Norwood, Price, Ransom, Stafford, Walker, Waring, Welch and Worth—25.

*Nays*—Messrs. Grandy, McCabe, Morehead of Guilford and Smith—4.

The following named bills and resolution, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. R. No. 113: Resolution authorizing and requesting R. B. Creecy to continue the History of North Carolina.

S. B. No. 187: A bill to be entitled an act concerning the annexation of Goose Creek Island to Pamlico county.

S. B. No. 325: A bill to be entitled an act to give to Burke and Rutherford counties the proceeds of the vacant lands therein.

S. B. No. 279: A bill to be entitled an act to incorporate the Pythagoras Lodge, No. 6, Ancient York Masons, of the town of Smithville, Brunswick county.

Mr. Flemming was excused from attendance on the Senate on Monday and Tuesday next, in order to allow him to attend the committee on the expenditures of the Insane Asylum.

The following named act, reported as correctly enrolled by the Committee on Enrolled Bills, was duly ratified and transmitted to the office of the Secretary of State:

An act to incorporate the members of the congregation of United Brethren, of the town of Salem.

On motion, the Senate adjourned until Monday morning at 11 o'clock.

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#### FORTY-EIGHTH DAY.

SENATE CHAMBER, February 2nd, 1874.

Journal of Saturday was read.

Mr. Miller asked and obtained leave to have his vote recorded in the affirmative on the final vote taken on S. B. No. 612, a bill to be entitled an act to amend the charter of the North Carolina Railroad and for other purposes, and on S. B. No. 275, a bill to be entitled an act concerning elections of certain officers; and Mr. Powell asked and obtained leave to have his vote recorded in the negative on S. B. No.



512, a bill to be entitled an act to amend the charter of the North Carolina Railroad, and for other purposes, and in the affirmative on S. B. No. 276, a bill to be entitled an act concerning elections of certain officers.

Mr. Todd presented a petition from citizens of Ashe county, praying for a change in township lines which was referred to the Committee on Propositions and Grievances.

Leave of absence was granted to Mr. Troy for to-day and to-morrow.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Seymour, S. B. No. 501, H. B. No. 335: A bill to be entitled an act to amend chapter 175 of the laws of 1868-'69, with a recommendation that it do pass.

By Mr. Morehead of Guilford, S. B. No. 476, H. B. No. 334: A bill to be entitled an act to cure certain irregular proceedings in the Probate Courts, with a recommendation that it do pass.

S. B. No. 502, H. B. No. 208: A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease certain lands in said county, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 534: A bill to be entitled an act pertaining to administrators and executors, requiring ten days' advertisement for the sale of perishable property, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

By Mr. Grandy, S. B. No. 499, H. B. No. 153: A bill to be entitled an act to repeal chapter 68, Public Laws of 1868-'69, and chapter 262, acts of 1870-'71, with a recommendation that it be referred to the Committee on Propositions and Grievances. The recommendation was concurred in.

By Mr. Price, S. B. No. 429: A bill to be entitled an act concerning the deeds of married women, with a recommendation that it do pass.

From Committee on Propositions and Grievances :

By Mr. Hill, S. B. No. 271, H. B. No. 57 : A bill to be entitled an act concerning the ferries and causeways from the city of Wilmington to Brunswick county, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed the following resolution :

*“Resolved*, by the House of Representatives the Senate concurring, that a joint committee of three on the part of the Senate and five on the part of the House, be appointed to examine the Calendar of the two Houses, and report the earliest day at which this General Assembly can adjourn, compatible with the best interests of the State.”

The question recurring on concurring in the resolution, Mr. Seymour moved to amend by striking out all after the word “resolved,” and inserting in lieu thereof the words :

“By the Senate, the House of Representatives concurring, that the General Assembly adjourn on Monday, the 16th February.”

The amendment prevailed.

Mr. Harris moved to lay the resolution on the table.

Mr. Morehead of Guilford moved the previous question and the Senate ordered the main question to be put. The question then recurring on concurring in the resolution as amended, the Senate concurred, and the amendment was ordered to be forthwith engrossed and transmitted to the House of Representatives for concurrence.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Todd : A bill to be entitled an act concerning the establishment of roads. To the Committee on Judiciary.



By Mr. Ellis of Columbus: A bill to be entitled an act to incorporate the town of Elizabethtown, in the county of Bladen. To the Committee on Corporations.

By message from the House of Representatives, H. B. No. 368: A bill to be entitled an act to prescribe the duties of the Clerks of the Superior Courts and Justices of the Peace, in relation to bills of cost. To the Committee on Judiciary.

H. B. No. 479: A bill to be entitled an act to amend chapter 66, section 2, Public Laws of 1869-'70. To the Committee on Judiciary.

H. B. No. 458: A bill to be entitled an act to provide for the collection of taxes by the State, and the several counties of the State, on property, polls and incomes. Placed on the Calendar.

Made special order for Wednesday next, at 12½ P. M. and for each day thereafter until disposed of, and ordered to be printed.

Mr. Nicholson introduced the following resolution.

*“Resolved*, that the Senate hold night sessions every night this week except Saturday night, commencing at 7½ o'clock.’

The resolution was read.

Mr. Harris moved that the resolution be laid upon the table.

Mr. Love moved the previous question and the Senate ordered the main question to be put.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered, on demand of Mr. Love, and the resolution was adopted. Yeas 23; nays 14.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Horton, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Stafford, Todd, Waring and Worth—23.

*Nays*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Gudger, Harris, Humphrey, Johnston, McCotter, Merrimon, Morehead of Guilford, Seymour, Walker and Welch—14.

The following bills and amendment, reported as correctly engrossed by the Committee on Engrossed Bills, was transmitted to the House of Representatives for concurrence :

S. B. No. 460: A bill to be entitled an act to repeal section 19, chapter 112, Battle's Revisal, and to amend said chapter.

S. B. No. 263: A bill to be entitled an act to incorporate the Raleigh Ware House and Trust Company.

S. B. No. 287: A bill to be entitled an act to empower the board of commissioners of Burke county to levy a special tax.

S. B. No. 561: A bill to be entitled an act supplemental to, and amendatory of, an act entitled an act respecting the times of holding the Superior Courts of the Fourth Judicial District.

S. B. No. 393: A bill to be entitled an act to authorize the town of Hickory, in the county of Catawba, to issue bonds.

Amendments to S. B. No. 343, H. B. No. 183: A bill to be entitled an act to amend the charter of the town of Hillsboro', Orange county.

On motion of Mr. Humphrey it was ordered that 150 copies of S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad Company and for other purposes, be printed.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act entitled an act to charter the Wilson and Tar River Narrow Gauge Railroad, passed 1872-'73, chapter 19.

An act to repeal chapter 68, laws of 1871-'72.

An act to authorize the commissioners of Nash county to levy a special tax.

An act to enable the commissiouers of Surry county to consolidate and pay of the debt of said county.

An act concerning commissions of affidavits and probate



of deeds in other States, Territories and the District of Columbia.

An act to amend the charter of the city of Newbern.

At 11½ A. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 340: A bill to be entitled an act to enlarge the Insane Asylum of North Carolina and for the better government thereof. The bill was read second time.

Mr. Humphrey offered an amendment in the nature of a substitute.

Mr. Morehead of Guilford moved to amend the amendment by inserting after the word Buncombe the words "Davidson or Guilford."

Mr. Todd moved that the further consideration of the bill be indefinitely postponed.

Mr. Humphrey moved that the Senate do now adjourn.

The motion to adjourn prevailed.

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### EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 2d, 1874.

Mr. Murphy moved that the Private Calendar be taken up, that the bills be put upon their several readings, and that the twenty-fifth of the Senate rules of order be suspended for to-night. The motion prevailed.

Mr. Morehead of Guilford, moved to reconsider the vote by which the Senate adopted the resolution introduced by Mr. Nicholson providing for night sessions of the Senate.

Mr. Love moved to lay the motion on the table.

The yeas and nays were ordered on demand of Mr. Love, and the motion to lay on the table did not prevail. Yeas 12; nays 17.

*Yeas.*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Columbus, Humphrey, Love, Miller, Stafford, Todd, Waring and Worth—12.

*Nays*—Messrs. Cramer, Eppes, Gudger, Harris, Horton, Hyman, Long, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Powell, Price, Scott, Seymour and Smith—17.

The question then recurring on the motion to reconsider, the yeas and nays were ordered on demand of Mr. Cowles, and the motion prevailed. Yeas 19; nays 14.

*Yeas*—Messrs. Avera, Cramer, Eppes, Gudger, Harris, Holloman, Horton, Hyman, Johnston, Long, McCabe, McCotter, Morehead of Guilford, Morehead of Rockingham, Powell, Price, Scott, Seymour and Smith—19.

*Nays*—Messrs. Barnhardt, Cowles, Cunningham, Ellis of Columbus, Humphrey, Love, McCauley, Miller, Murphy, Murray, Stafford, Todd, Waring and Worth—14.

The question then recurring on the adoption of the resolution, Mr. Seymour moved that the resolution be laid on the table.

The yeas and nays were ordered on demand of Mr. Ellis of Columbus, and the motion to lay on the table prevailed. Yeas 18; nays 15.

*Yeas*—Messrs. Cramer, Eppes, Gudger, Harris, Holloman, Horton, Hyman, Johnston, Long, McCabe, McCotter, Morehead of Guilford, Powell, Price, Scott, Seymour, Smith and Worth—18.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Columbus, Humphrey, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Stafford, Todd and Waring—15.

Mr. Love moved that the Senate do now adjourn. The yeas and nays were ordered on demand of Mr. Gudger, and the Senate refused to adjourn. Yeas 2; nays 28.

*Yeas*—Messrs. Miller and Powell—2.

*Nays*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Gudger, Harris, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Mur-



ray, Price, Scott, Seymour, Smith, Stafford, Todd, Waring and Worth—28.

The following named bills were acted on, as follows :

S. B. No. 307: A bill to be entitled an act to incorporate the Tokay Wine Company. The bill was read second time. The amendments proposed by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 339: A bill to be entitled an act to incorporate Enfield Institute, at Enfield, North Carolina. The bill was read second time. The amendments proposed by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 352, H. B. No. 201: A bill to be entitled an act to change the time of holding the Superior Courts of Randolph county, in the Seventh Judicial District. The bill was read second time. The amendments offered by the Committee on Judiciary prevailed, and the bill passed second time.

The bill was then read and passed third time.

S. B. No. 342, H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company. The bill was read second time. The amendments proposed by the Committee on Corporations prevailed, and the bill passed second. The bill was then referred to the Committee on Judiciary.

S. B. No. 341, H. B. No. 231: A bill to be entitled an act to amend the charter of the town of Winston, in the county of Forsythe. Read and passed second and third times. Yeas 22; nays 4.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Holloman, Horton, Humphrey, McCabe, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Seymour Stafford, Waring and Worth—22.

*Nays*—Messrs. Long, McCauley, Price and Todd—4.

S. B. No. 353, H. B. No. 307: A bill to be entitled an act

to allow the commissioners of Stanley county to levy a special tax. The bill was read second time. The amendment proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. Yeas 24; nays 8.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Columbus, Gudger, Holloman, Horton, Humphrey, Long, McCauley, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Powell, Price, Scott, Seymour, Stafford, Todd, Waring and Worth—24.

*Nays*—Messrs. Cowles, Eppes, Hyman, Johnston, Love, McCabe, Nicholson and Smith.—8.

S. B. No. 540: A bill to be entitled an act authorizing the commissioners of Sampson county to levy a special tax. Read and passed second time. Yeas 19, nays 8.

*Yeas*—Messrs. Avera, Barnhardt, Cunningham, Ellis of Columbus, Holloman, Horton, Humphrey, McCabe, McCotter, Morehead of Rockingham, Murphy, Murray, Powell, Price, Scott, Stafford, Todd, Waring and Worth—19.

*Nays*—Messrs. Cowles, Eppes, Gudger, Hyman, Long, Love, McCauley and Nicholson—8.

The following named bills were read and passed second and third times :

S. B. No. 51, H. B. No. 15 : A bill to be entitled an act for the relief of N. C. Coor.

S. B. No. 312, H. B. No. 185 : A bill to be entitled an act to incorporate Richland Farmers' Association in the county of Onslow.

S. B. No. 315, H. B. No. 25 : A bill to be entitled an act to re-enact an act of the Private Laws of 1868-'69.

On motion the Senate adjourned.



## FORTY-NINTH DAY.

SENATE CHAMBER, February 3d, 1874.

Journal of yesterday was read.

Mr. Hyman asked and obtained leave to record his vote in favor of S. B. No. 512, a bill to be entitled an act to amend the charter of the North Carolina Railroad and for other purposes :

The chair announced a communication from His Excellency the Governor, in relation to the expenditures of the State Geologist, which was ordered to be printed.

Reports from standing committees were submitted, as follows :

From Committee on Internal Improvements :

By Mr. Morehead of Rockingham, S. B. No. 557, H. B. No. 221 : A bill to be entitled an act to authorize the town of Newton to take stock in railroads and for other purposes with a recommendation that it do pass.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Seymour : A bill to be entitled an act in regard to the punishment of criminals. To the Committee on Judiciary.

By Mr. Humphrey : A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Hood Swamp Meeting House, in Wayne county. To the Committee on Propositions and Grievances.

By Mr. Harris : A bill to be entitled an act to incorporate the Queen of the South Lodge, No. 6, of the Independent Order of Good Templars in the city of Raleigh. Placed on the Calendar.

By Mr. Love : Resolution in favor of Jno. B. Fain. To the Committee on Claims.

Resolution in reference to Jno. H. Wheeler. To the committee on Education.

At 11:35 A. M, the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State Debt.

The question recurring on the motion to lay on the table the motion to reconsider the vote by which the amendment offered by Mr. Cowles prevailed it was by consent withdrawn.

The question then recurring on the motion to reconsider the vote by which the amendment offered by Mr. Cowles was adopted, the yeas and nays were ordered, on demand of Mr. Grandy, and the motion prevailed. Yeas 20; nays 19.

*Yeas*—Messrs Avera, Barnhardt, Dunham, Ellis of Columbus, Humphrey, Johnston, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Price, Scott, Seymour, Todd, Waring, Welch and Worth—20.

*Nays*—Messrs. Cowles, Cunningham, Ellis of Catawba, Eppes, Grandy, Hill, Holloman, Horton, Hyman, Long, Love, McCabe, McCotter, Merrimon, Nicholson, Powell, Ransom, Smith and Walker—19.

Mr. Worth moved to amend the bill by adding to section 5 the words:

*“Provided further, that no exchange of bonds shall be made and no tax collected until two-thirds of the whole of each class of bonds as herein described shall be presented for exchange.”*

The amendment prevailed. The question then recurring on the amendment offered by Mr. Cowles, the yeas and nays were ordered on demand of Mr. Grandy and the amendment prevailed. Yeas 24; nays 14.

*Yeas*—Messrs. Cowles, Cramer, Cunningham, Ellis of Catawba, Grandy, Gudger, Harris, Hill Holloman, Horton, Long, Love, McCabe, McCotter, Merrimon, Miller, Nicholson, Powell, Price, Ransom, Smith, Todd, Walker and Welch—24.



*Nays*—Messrs. Avera, Barnhardt, Dunham, Ellis of Columbus, Johnston, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Waring and Worth—14.

The question then recurring on the amendment heretofore offered by Mr. Todd, the yeas and nays were ordered on demand of that Senator, and the amendment did not prevail. Yeas 7 ; nays 34.

*Yeas*—Messrs. Cowles, Grandy, Horton, Long, Powell, Ransom and Todd—7.

*Nays*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Holloman, Humphrey, Hyman, Johnston, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Stafford, Walker, Waring, Welch and Worth—34.

The question then recurring on its passage, the bill passed second time. Yeas 26 ; nays 16.

*Yeas*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Holloman, Humphrey, Hyman, McCabe, McCauley, McCotter, Morehead of Guilford, Murphy, Murray, Price, Ransom, Scott, Smith, Stafford, Waring, Welch and Worth—26.

*Nays*—Messrs. Avera, Dunham, Grandy, Gudger, Horton, Johnston, Long, Love, Merrimon, Morehead of Rockingham, Nicholson, Norwood, Powell, Seymour, Todd and Walker—16.

The further consideration of the bill was made special order for Thursday the 6th instant, at 12 M.

Bills were acted on, under a suspension of the rules, as follows :

S. B. No. 580 : A bill to be entitled an act to incorporate the Queen of South Lodge, No. 6, of the Independent Order of Good Templars, in the city of Raleigh. Read and passed second and third times. Yeas 39 ; nays 1.

*Yeas*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Walker, Waring, Welch and Worth—39.

*Nays*—Mr. Todd—1.

S. B. No. 313, H. B. No. 75: A bill to be entitled an act for the relief of such counties as have not received the compensation allowed by law for the support of idiots and lunatics. Made special order for Friday next at 12 M.

S. B. No. 518: A bill to be entitled an act concerning elections in this State. The bill was read second time. The amendments proposed by the Committee on Privileges and Elections prevailed.

Mr. Cowles moved to amend by inserting the following as a new section:

“SECTION. That when a voter is challenged at the polls upon demand of any citizen of the State, it shall be the duty of the inspectors of the election to require said voter before being allowed to vote to prove by the oath of some other person known to the judges, the fact of his residence for thirty days previous thereto, in the county in which he proposes to vote.”

The yeas and nays were ordered on demand of Mr. Seymour, and the amendment prevailed. Yeas 27; nays 14.

*Yeas*.—Messrs. Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—27.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Hol-



loman, Hyman, Johnston, Long, McCabe, McCotter, Seymour, Smith and Walker—14.

Mr. Grandy moved to amend by inserting the following as a new section :

“SECTION. That all electors who have failed to register before the election shall be allowed to register and vote on that day.”

The yeas and nays were ordered on demand of Mr. Grandy, and the amendment did not prevail. Yeas 18 ; nays 23.

*Yeas*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith, Stafford, Todd, Walker and Welch—18.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Waring and Worth—23.

Mr. Eppes moved to amend by inserting the following as a new section :

“SECTION. That any elector may vote at any precinct within his county, provided he furnishes the judges and inspectors of the polls at the precinct where he desires to vote the certificate of the registrar of his township that he has duly registered, and is a qualified voter, or makes affidavit of the same.”

The yeas and nays were ordered on demand of Mr. Grandy, and the amendment did not prevail. Yeas 14 ; nays 26.

*Yeas*—Messrs. Cramer, Eppes, Grandy, Hill, Holloman, Hyman, Johnston, Long, McCabe, McCotter, Ransom, Seymour, Smith and Walker—14.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger,

Horton, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—26.

Mr. Merrimon moved the previous question.

Mr. Humphrey moved that the Senate do now adjourn. The yeas and nays were ordered, on demand of Mr. Merrimon, and the Senate refused to adjourn. Yeas 18; nays 24.

*Yeas*—Messrs. Cramer, Dunham, Eppes, Grandy, Harris, Hill, Holloman, Humphrey, Hyman, Johnston, Long, McCabe, McCotter, Powell, Ransom, Seymour, Smith and Walker—18.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring Welch and Worth—24.

The question then recurring on the motion for the previous question, the yeas and nays were ordered, on demand of Mr. Harris, and the Senate ordered the main question to be put. Yeas 26; nays 13.

*Yeas*—Messrs. Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Gudger, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—26.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Johnston, Long, McCabe, McCotter, Ransom and Smith—13.

The question then recurring on its passage the bill passed second time.

The following named bills, reported as correctly engrossed by Committee on Engrossed Bills were transmitted to the House of Representatives for concurrence:

S. B. No. 512: A bill to be entitled an act to amend the



charter of the North Carolina Railroad Company and for other purposes.

S. B. No. 232: A bill to be entitled an act to allow the commissioners of Duplin county to levy a special tax.

S. B. No. 580: A bill to be entitled an act to incorporate the Queen of the South Lodge, No. 6, of the Independent Order of Good Templars in the city of Raleigh.

The following named bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act for the relief of N. C. Coor.

An act to provide for a special election in Caldwell county.

An act to repeal chapter 19 of the Private Laws of 1870-'71, and to re-enact an act of the Private Laws of 1868-'69.

On motion the Senate adjourned.

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## FIFTIETH DAY.

SENATE CHAMBER February 4th, 1874.

Journal of yesterday was read.

Leave of absence was granted to Mr. Holloman until Tuesday next, and indefinite leave of absence was granted to Mr. Hyman on account of sickness in his family.

Mr. Flemming was excused from attendance on the Senate to enable him to attend the Joint Select Committee on Expenditures of the Insane Asylum.

Reports from standing committees were submitted, as follows:

From Committee on Banks and Currency:

By Mr. Humphrey, S. B. No. 524: A bill to be entitled an act to establish the legal rate of interest in this State, with a recommendation that it do pass.

The bill was made special order for Friday, the 6th instant, at 12½ P. M.

From Committee on Judiciary :

By Mr. Grandy, S. B. No. 545, H. B. No. 414: A bill to be entitled an act to amend section 1, chapter 71, laws of 1871-'72 (section 22, chapter 27, Battle's Revisal) with a recommendation that it do pass.

S. B. No. 579: A bill to be entitled an act concerning the establishment of roads, with a recommendation that it do pass.

By Mr. Seymour, S. B. No. 342, H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company, with a recommendation that it be referred to the Committee on Propositions and Grievances. The recommendation was concurred in.

By Mr. Gudger, S. B. No. 227, H. B. No. 69: A bill to be entitled an act to amend chapter 162, section 27, laws of 1868-'69, with a recommendation that it do pass.

S. B. No. 560: A bill to be entitled an act to repeal chapter 54, and chapter 20, acts of General Assembly, with a recommendation that it do not pass.

On motion the bill was laid on the table.

By Mr. Todd, S. R. No. 482, H. R. No. 99: Resolution against the passage of the supplemental civil rights bill by Congress, with an amendment in the nature of a substitute.

S. B. No. 478, H. B. No. 198: A bill to be entitled an act to increase the homestead and personal property exemption, with a recommendation that it do not pass.

On motion the bill was laid on the table.

From Committee on Corporations :

By Mr. Avera, S. B. No. 434, H. B. No. 209: A bill to be entitled an act to amend an act entitled an act to amend the charter of the city of Raleigh, ratified the 23rd day of February, 1871, with a recommendation that it do pass.

H. B. No. 260: A bill to be entitled an act to amend the act entitled an act for the better government of the town of



Wadesboro, in Anson county, being chapter 75 of the acts of 1825, with a recommendation that it do pass.

S. B. No. 509: A bill to be entitled an act to amend the charter of Edenton, Chowan county, with a recommendation that it do pass.

S. B. No. 462: A bill to be entitled an act to amend an act entitled an act to incorporate the Falls of Neuse Manufacturing Company, ratified the 5th day of January 1872, with a recommendation that it do pass.

S. B. No. 521: A bill to be entitled an act to amend chapter 75 of laws of 1872-'73, with a recommendation that it be referred to the Committee on Judiciary. The recommendation was concurred in.

S. B. No. 566, H. B. No. 411: A bill to be entitled an act to incorporate the town of Winton, in the county of Hertford, with a recommendation that it do pass.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Grandy: A bill to be entitled an act to repeal chapter 91, Battle's Revisal, concerning processioning. To the Committee on Judiciary.

A bill to be entitled an act to amend section 22, chapter 117, Battle's Revisal, concerning widows. To the Committee on Judiciary.

By Mr. McCabe: A bill to be entitled an act to amend chapters 66 and 12, laws of 1831-'32 and 1846-'47. To the Committee on Corporations.

By Mr. Morehead of Guilford: A bill to be entitled an act to pay Peter Adams per diem and mileage as Senator in 1864. To the Committee on Claims.

By Mr. Seymour: A bill to be entitled an act to amend chapter 197, laws of 1858-'59. To the Committee on Corporations.

By Mr. Avera: A bill to be entitled an act in relation to the town of Clayton, in the county of Johnston. To the Committee on Corporations.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 349, A bill to be entitled an act for the better care and protection of the orphan children of the State.

The bill was read second time and rejected. Yeas 16; nays 19.

*Yeas*—Messrs. Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Johnston, McCabe, Merrimon, Murphy, Norwood, Powell, Smith Walker and Waring—16.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Horton, Long, Love, McCauley, Miller, Morehead of Guilford, Nicholson, Price, Scott, Todd, Welch and Worth—19.

Mr. Avera moved to reconsider the vote just had and to make the consideration of that motion special order for Friday, the 6th instant, at 1 P. M. The motion to make special order prevailed.

The following bills and amendment, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 538: A bill to be entitled an act to amend chapter 97, section 27, Battle's Revisal.

S. B. No. 277: A bill to be entitled an act to amend chapter 182, Public Laws 1872.

Amendments to S. B. No. 351, H. B. No. 326. A bill to be entitled an act in reference to the meetings of the stockholders and directors of the Carolina Central Railway Company.

S. B. No. 339: A bill to be entitled an act to incorporate Enfield Institute, at Enfield, North Carolina.

The following named bills, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend the charter of the town of Winston, in the county of Forsythe.

An act to amend the charter of the town of Hillsboro, Orange county.



An act to incorporate Richland Farmers' Association, Onslow county.

Bills were acted on under a suspension of the rules, as follows :

S. B. No. 62 : A bill to be entitled an act to amend title II, chapter —, Code of Civil Procedure, Battle's Revisal. Taken from the table and recommitted to the Committee on Judiciary.

S. B. No. 396 : A bill to be entitled an act to amend chapter 197, laws of 1871-'72, entitled an act to empower the Superior Court Judges to appoint a commissioner in certain cases for settlement of estates. Taken from the table and recommitted to the Committee on Judiciary.

S. B. No. 355 : A bill to be entitled an act to amend chapter 33 of Battle's Revisal, entitled criminal proceedings. Made special order for 11:45 A. M., to-morrow.

S. B. No. 188 : A bill to be entitled an act to confirm the sale of public lands to S. T. Carrow. Made special order for Saturday the 7th instant, at 12½ P. M.

S. B. No. 356 : A bill to be entitled an act to amend chapter 32 of Battle's Revisal, entitled crimes and punishments. Made special order for 11:45 A. M., to-morrow.

S. B. No. 562, H. B. No. 76 : A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities. Made special order for 11½ A. M., to-morrow.

S. B. No. 173 : A bill to be entitled an act for the better protection of the county bridge, across Tar river, at Greenville, in Pitt county. Read and passed second and third times. Yeas 34 ; nays none.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Holloman, Horton, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—34.

*Nays*—None.

The consideration of Resolutions being in order the Senate proceeded to consider S. R. No. 2, resolution concerning the so-called special tax debt of North Carolina. The resolution was read.

Mr. Waring moved the previous question. The yeas and nays were ordered on demand of Mr. Seymour, and the Senate refused to order the main question to be put. Yeas 15; nays 24.

*Yeas*—Messrs. Barnhardt, Cowles, Cunningham, Grandy, Long, Love, Merrimon, Miller, Murray, Price, Smith, Stafford, Todd, Troy and Waring—15.

*Nays*.—Messrs. Avera, Cramer, Dunham, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Humphrey, Johnston, McCabe, McCauley, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Ransom, Seymour, Smith, Walker, Welch and Worth—24.

Mr. Dunham moved to amend by striking out the preamble.

Mr. Seymour moved that the resolution be referred to the Committee on State Debt.

Mr. Love moved that the resolution be made special order for Friday the 6th instant at 12 M. The motion to make special order prevailed.

At 12½ P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 575, H. B. No. 458: A bill to be entitled an act to provide for the collection of taxes by the State, and by the several counties of the State on property, polls and income.

Mr. Dunham moved that the bill be considered by sections. The motion prevailed.

Sections 1, 2, 3, 4, 5, 6, 7 and 8 were severally read. Section 9 was read.

Mr. Ellis of Columbus, moved to amend by striking out the word "provisions" in line 15. The amendment did not prevail.

Mr. Cowles moved to amend by inserting after the word



“provisions,” in line 15, the words, “over and above the quantity necessary for his or her own family.”

The yeas and nays were ordered on demand of Mr. Ellis of Columbus, and the amendment prevailed. Yeas 17; nays 16.

*Yeas*.—Messrs. Cowles, Cramer, Cunningham, Ellis of Columbus, Eppes, Grandy, Hill, Holloman, Horton, Long, McCabe, Merrimon, Miller, Nicholson, Smith, Stafford and Waring—17.

*Nays*.—Messrs. Avera, Barnhardt, Dunham, Gudger, Johnston, Love, McCauley, McCotter, Morehead of Guilford, Murphy, Murray, Norwood, Todd, Troy, Walker and Worth—16.

Mr. Cramer moved to reconsider the vote just had. The motion prevailed.

The question then recurring on the amendment offered by Mr. Cowles, it did not prevail.

Mr. Barnhardt moved to amend by inserting after the word “all,” in line 38, the words “cotton in seed or lint, tobacco, either leaf or manufactured, turpentine, rosin, tar, brandy, whiskey.” The amendment prevailed.

Mr. Troy moved to amend by adding to sub-division 7 the words:

*“And provided further, That each tax payer shall be permitted to deduct from such valuation the amount owing on such goods, wares and merchandise.”*

The amendment did not prevail.

Mr. Cowles moved to amend by striking out the words, “one hundred dollars,” and inserting the words, “three hundred dollars,” in line 42, section 9.

The yeas and nays were ordered on demand of Mr. Grandy, and the amendment did not prevail. Yeas 10; nays 25.

*Yeas*.—Messrs. Cowles, Ellis of Columbus, Grandy, Gudger, Hill, Long, McCabe, McCotter, Ransom and Seymour—10.

*Nays*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Dunham, Ellis of Catawba, Eppes, Holloman, Horton, Johnston, Love, McCauley, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Scott, Todd, Troy, Walker, Waring, Welch and Worth—25.

Mr. Love moved to amend by striking out the proviso to sub-division 7. The yeas and nays were ordered on demand of Mr. Grandy, and the amendment did not prevail. Yeas 6; nays 32.

*Yeas*—Messrs. Avera, Ellis of Columbus, Love, McCauley, Murray and Todd—6.

*Nays*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Eppes, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Johnston, Long, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Ransom, Scott, Seymour, Smith, Troy, Walker, Waring, Welch and Worth—32.

On motion the Senate adjourned.

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### EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 4, 1874.

Mr. Murphy moved that the Private Calendar be taken up, that the bills be put upon their several readings, and that the twenty-fifth of the Senate rules of order be suspended for to-night. The motion prevailed.

The following named bills were acted on, as follows:

S. B. No. 363: A bill to be entitled an act to incorporate Leta Lodge, in Columbia, Tyrrell county.

The bill was read second time, the amendment proposed by the Committee on Corporations prevailed and the bill passed second time. The bill was then read and passed third time.

S. B. No. 473, H. B. No. 371: A bill to be entitled an act



to empower the board of education for Davidson county to establish a teachers' institute in said county.

Read and passed second time and referred to the Committee on Education.

A bill to be entitled an act to incorporate Piedmont Springs Company.

The bill was read second, time, the amendments proposed by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 382, H. B. No. 355: A bill to be entitled an act to incorporate Free Love Lodge, No. 1,469, Grand United Order of Odd Fellows. Recommended to the Committee on Corporations.

S. B. No. 384, H. B. No. 261: A bill to be entitled an act to authorize the collection of arrearages of taxes in the town of Statesville.

The bill was read second time and the amendments proposed by the Committee on Propositions and Grievances prevailed.

Mr. Cowles moved to amend by adding to section 2 the words:

*"Provided, that if the commissioners or mayor of said town shall plead the statute of limitations upon any coupon or other evidence of indebtedness in any court of record in this State, the power and authority to collect arrearages of taxes herein granted shall cease."*

Mr. Troy moved to reconsider the vote by which the Committee amendments were adopted. The motion prevailed.

The bill was then recommitted to the Committee on Propositions and Grievances.

S. B. No. 271, H. B. No. 57: A bill to be entitled an act concerning the ferries and causeways from the city of Wilmington to Brunswick county. Read and passed second and third times. Yeas 31; nays 7.

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Hill, Holloman, Horton, Long, Mabson, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Smith, Stafford, Troy, Walker, Waring, and Worth—31.

*Nays*—Messrs. Avera, Cowles, Gudger, Love, Merrimon, Morehead of Guilford and Todd—7.

S. B. No. 353, H. B. No. 307: A bill to be entitled an act to allow the commissioners of Stanley county to levy a special tax. Read and passed third time. *Yeas* 27; *nays* none.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Holloman, Horton, Long, Love, McCabe, McCotter, Miller, Murphy, Murray, Nicholson, Powell, Scott, Seymour, Stafford, Todd, Troy, Walker, Welch and Worth—27.

*Nays*—None.

S. B. No. 540: A bill to be entitled an act authorizing the commissioners of Sampson county to levy a special tax. Read and passed third time. *Yeas* 27; *nays* 5.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Hill, Holloman, Horton, Love, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Cowles, Grandy, Long, McCabe and McCotter—5.

The following named bills were read and passed second and third times:

S. B. No. 525, H. B. No. 442: A bill to be entitled an act to include the county of Hyde within the provisions of the act relating to fences and for the protection of crops.

S. B. No. 523: A bill to be entitled an act to incorporate the Watch Tower Publishing Company.

S. B. No. 503, H. B. No. 258: A bill to be entitled an act to incorporate the town of Taylorsville, in Alexander county.



S. B. No. 364: A bill to be entitled an act to incorporate Perseverance Council No. 74, of the Friends of Temperance.

S. B. No. 365: A bill to be entitled an act to incorporate Fayetteville Lodge, No. 329, at Fayetteville.

S. R. No. 375: Resolution in favor of W. C. Thurston.

S. B. No. 388, H. B. No. 274: A bill to be entitled an act to incorporate the town of Germanton, in the county of Stokes.

S. B. No. 522: A bill to be entitled an act to incorporate Justitia Lodge, No. 11, Knights of Pythias, Goldsboro, North Carolina.

On motion the Senate adjourned.

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## FIFTY-FIRST DAY.

SENATE CHAMBER February 5th, 1874.

Prayer by Rev. Dr. Mason.

Journal of yesterday was read.

Messrs. Nicholson and Ellis of Catawba asked and obtained leave to record their votes in the negative on the vote by which the resolution introduced by Mr. Nicholson on Monday providing for night sessions was laid on the table.

Leave of absence was granted to Mr. Seymour to and including Monday next.

Reports from standing committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 562, H. B. No. 76: A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities, with an amendment in the nature of a substitute.

By Mr. Avera, S. B. No. 314, H. B. No. 77: A bill to be entitled an act to change the line between the counties of

Cumberland and Bladen, with an amendment in the nature of a substitute.

From the Committee on Claims :

By Mr. Troy, S. R. No. 583 : Resolution in favor of John B. Fain, with a recommendation that it do not pass. On motion, the resolution was laid on the table.

From Committee on Corporations :

By Mr. Welch, S. B. No. 589 : A bill to be entitled an act to amend chapter 197, laws of 1858-'59, with a recommendation that it do pass.

S. B. No. 578 : A bill to be entitled an act to incorporate the town of Elizabethtown, in the county of Bladen, with a recommendation that it do pass.

S. B. No. 591 : A bill to be entitled an act to amend chapter 66 and 212, laws of 1831-'32, and 1846-'47, with a recommendation that it do pass.

S. B. No. 588 : A bill to be entitled an act in relation to the town of Clayton, in the county of Johnston, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 255, H. B. No. 488, a bill to be entitled an act to amend chapter 189, laws of 1870-'71, with an amendment in the nature of a substitute, and had amended the title of the bill so as to read, a bill to be entitled an act to amend an act to incorporate the Haywood and Cane Creek Railroad Company. The Senate concurred in the amendments adopted by the House, and the bill was ordered to be enrolled.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Mr. Horton : A bill to be entitled an act to amend chapter 254, laws of 1870-'71. To the Committee on Propositions and Grievances.

By Mr. McCauley : A bill to be entitled an act to amend section 2, chapter 23, Battle's Revisal, and to define the bailiwick of a constable. To the Committee on Judiciary.



By Mr. Cramer: A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code. To the Committee on Judiciary.

By Mr. Eppes: A bill to be entitled an act to incorporate the trustees of Halifax Educational Association, in Halifax county. To the Committee on Education.

By Mr. Mabson: A bill to be entitled an act to amend section 42, chapter 199, public laws 1871-'72. To the Committee on Judiciary.

By Mr. Avera: A bill to be entitled an act for the greater security of human life. To the Committee on Propositions and Grievances.

By message from the House of Representatives, H. B. No. 482: A bill to be entitled an act in reference to the First Judicial District, and for other purposes. To the Committee on Judiciary.

H. B. No. 459: A bill to entitled an act to raise revenue. Placed on the Calendar. Made special order for Monday, the 9th instant, at 12 M., and thereafter until disposed of, and ordered to be printed.

H. B. No. 501: A bill to be entitled an act supplemental to an act entitled an act to require the owners of seines at or near the mouth of Chowan river to stake out the middle of the channel, and for other purposes, ratified December 22d, 1873. Placed on the calendar.

On motion, the rules were suspended, the bill was read and passed second and third times and ordered to be forthwith enrolled for ratification.

Mr. Troy moved that when the Senate adjourns it will adjourn to meet at 3½ P. M. The motion prevailed.

At 11½ A. M, the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 562, H. B. No. 76, a bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities. The bill was read second time.

Mr. Morehead of Guilford, moved that the further consideration of the bill be made special order for Saturday at

11:45 A. M., and that the amendment in the nature of a substitute proposed by the Committee on Propositions and Grievances be printed. The motion prevailed.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 241, a bill to be entitled an act to adjust the State Debt. The bill was read third time,

Mr. Worth moved to amend by striking out section 1 and inserting in lieu thereof the words :

“SECTION 1. That one million and eight hundred thousand dollars of coupon bonds to be dated July 1st 1874, bearing interest at the rate of eight per cent. per annum, payable semi-annually in the city of New York, to be due the first of July A. D. 1904, to compromise and pay off that part of the State Debt known as the North Carolina Railroad construction bonds, issued by acts of the General Assembly 1848-'49 and chapter 82, section 48, and by act of 1854, chapter 32, together with all coupons attached or detached not already paid or funded, shall be issued and shall be signed by the Governor and countersigned by the Treasurer of the State, and have the great seal of the State affixed; and the said bonds shall be in denomination of \$100, \$500, and \$1,000, and the coupons shall be authenticated by the engraved signature of the Treasurer.”

The amendment prevailed.

Mr. Worth moved to amend by striking out section 4 and inserting in lieu thereof the words :

“That the said bonds shall remain in the office of the Treasurer of the State and shall be held by him for the following purpose and for no other, to-wit: To be exchanged for the outstanding bonds, issued for constructing the North Carolina Railroad under acts named in the first section of this bill, as follows: One bond to be given for two, or fifty



cents in the dollar, including all due coupons either attached or detached, not paid or funded, upon the same terms."

The amendment prevailed.

Mr. Worth moved to amend by adding the following to section 5:

*"Provided further,* That whenever such exchange of bonds shall have been made, the dividends which may accrue to the State as stockholder in the North Carolina Railroad Company, shall be applied to the payment of interest on said bonds in lieu of the tax herein levied, in which case no tax shall be collected."

The amendment prevailed.

Mr. Worth moved to amend section 5 by striking out "25" and inserting "8" in line 3 thereof, and by striking out "75" and inserting "25" in line 4. The amendment prevailed.

Mr. Worth moved to amend by adding to section 6 the words:

"And it shall be further the duty of said Treasurer and Commissioners to confer with all the creditors of the State as far as possible, and ascertain upon what terms they will compromise the balance of the State debt, and report to the next General Assembly." By inserting in line 12, section 6, the words "or more commissioners." By striking out the second proviso to section 6; and by striking out the proviso to section 7.

The amendments prevailed and the bill passed third time. Yeas 28; nays 12.

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Dunham, Ellis of Columbus, Flemming, Gudger, Hill, Humphrey, Johnston, Love, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Stafford, Troy, Waring, Welch and Worth—28.

*Nays*—Messrs. Avera, Cowles, Davis, Grandy, Horton, Long, Mabson, McCauley, McCotter, Powell, Ransom and Todd—12.

The following named bills and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 307 : A bill to be entitled an act to incorporate Tokay Wine Company.

Amendments to S. B. No. 352, H. B. No. 201 : A bill to be entitled an act to change the time of holding the Superior Courts of Randolph county, Seventh Judicial District.

S. B. No. 276 : A bill to be entitled an act concerning elections of certain officers.

S. B. No. 522 : A bill to be entitled an act to incorporate Justitia Lodge, No. 11, Knights of Pythias, of Goldsboro, North Carolina.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate Queen of the South Lodge, No. 6, of the I. O. of G. T., of the city of Raleigh.

An act concerning ferries and causeways from the city of Wilmington to Brunswick county.

An act to incorporate the town of Germanton, in Stokes county.

An act supplemental to an act entitled an act to require the owners of seins at or near the mouth of Chowan river to stake out the middle of the channel and for other purposes, ratified Dec. 22d, 1873.

On motion, the Senate adjourned.



## EVENING SESSION.

SENATE CHAMBER, 7½ P. M., February 5th, 1874.

On motion, the Senate went into Executive Session.

The Senate setting in Executive Session having adjourned, on motion the Senate adjourned.

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FIFTY-SECOND DAY.

SENATE CHAMBER, February 6th, 1874.

Journal of yesterday was read.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Flemming: S. B. No. 598: A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code, with a recommendation that it do pass.

By Mr. Allen, S. B. No. 600, H. B. No. 482: A bill to be entitled an act in reference to the First Judicial District, and for other purposes, with a recommendation that it do pass.

By Mr. Todd, S. B. No. 577, H. B. No. 368: A bill to be entitled an act to prescribe the duties of Clerks of the Superior Courts and Justices of the Peace in relation to bills of cost, with a recommendation that it do pass.

From Committee on Propositions and Grievances:

By Mr. Avera, S. B. No. 335: A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds, with an amendment in the nature of a substitute.

By Mr. Love, S. B. No. 565, H. B. 255: A bill to be entitled an act to secure the better drainage of the lowlands of

Clark's and Maiden's Creeks, in the counties of Lincoln and Catawba, with a recommendation that it do pass.

From Committee on Education:

By Mr. Cunningham, S. B. No. 473, H. B. No. 371: A bill to be entitled an act to empower the Board of Education of Davidson county to establish a Teachers' Institute, in said county, with accompanying amendment.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 407, H. B. No. 466: A bill to be entitled an act to amend the charter of the Neuse River Ferry Company, with certain amendments.

The Senate concurred in the amendments adopted by the House of Representatives and the bill was ordered to be forthwith enrolled for ratification.

A message was also received from the House of Representatives informing the Senate that that body had passed S. B. No. 303, H. B. No. 570, a bill to be entitled an act to amend chapter 85, Private Laws 1871-'72, with an amendment.

The Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Flemming: A bill to be entitled an act to incorporate the North Carolina Gold Hill Mining Company. To the Committee on Corporations.

By Mr. Dunham: A bill to be entitled an act in relation to the county of Franklin. To the Committee on Judiciary.

By Mr. Davis: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax. To the Committee on Propositions and Grievances.

By Mr. Worth: A bill to be entitled an act to incorporate the town of Bush Hill, in Randolph county. Placed on the Calendar.



By Mr. Allen : A bill to be entitled an act to re-enact sections 24 and 25, of chapter 32 of the Revised Code. To the Committee on Judiciary.

By Mr. Merrimon : A bill to be entitled an act to allow sales of reversions of homesteads in certain cases. To the Committee on Judiciary.

By Mr. Waring : A bill to be entitled an act to establish a bureau of immigration, statistics and agriculture. To the Committee on Agriculture, Mechanics and Mining.

By message from the House of Representatives, H. B. No. 577: A bill to be entitled an act to fix the time and place of the first meeting of the Trustees of the University of North Carolina. Placed on the Calendar.

H. B. No. 578 : A bill to be entitled an act to authorize the commissioners of Guilford county to sell the present jail site of the county, and to purchase another and to erect a jail thereon. To the Committee on Propositions and Grievances.

H. B. No. 365 : A bill to be entitled an act in favor of the contractors on the Marion and Asheville Turnpike. To the Committee on Judiciary.

Mr. Mabson introduced a resolution of instruction and request to North Carolina Senators and Representatives in Congress, which was read and laid over under the rules.

At 12½ P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 575, H. B. No. 458, a bill to be entitled an act to provide for the collection of taxes by the State and by the several counties of the State on property, polls and incomes.

Sections 10, 11, 12, 13 and 14 were severally read.

Section 15 was read. Mr. Cramer moved to amend the section by adding thereto the following :

“It shall be the duty of the county commissioners, upon complaint having been made before them by the township board of trustees in the said county, that the valuation for the preceeding year was not uniform throughout the said

county and that the lands and real property of the township so complaining was valued at a valuation exceeding the valuation of property of like kind in other townships in the said county, and therefore not equitable, to order the said township board of trustees to revalue the lands and real property of the said township and abstract list of the same, and make return as provided for by section 15 of this act. And the valuation so made shall be annually fixed to such lands and real property until a new valuation is made. It shall be the further duty of the county commissioners of said county to compare the said list with the list of the preceding year, and wherein it shall appear that excessive valuations were made, correct the same, and calculate the amount paid on such over valuation, and credit the amount thus overpaid on the face of tax receipts against the listers of the said property, to be allowed in settlement of taxes for the year 1874."

The amendment did not prevail.

Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, were severally read and the bill passed second time.

Bills were acted on, under a suspension of the rules, as follows:

S. B. No. 314, H. B. No. 77: A bill to be entitled an act to change the line between the counties of Cumberland and Bladen.

The bill was read second time. The question recurring on the amendment proposed by the Committee on Propositions and Grievances, Mr. Troy moved to amend the amendment by adding a new section as follows:

SECTION —. That Malcom Monroe of Bladen, and J. B. Downing of Cumberland be, and they are hereby appointed surveyors, to lay off and establish the lines herein provided for, for which service they shall be entitled to the usual fees



for such service, same to be paid by the county of Cumberland.”

The amendment prevailed, the amendment proposed by the committee prevailed and the bill passed second time.

S. B. No. 591 : A bill to be entitled an act to amend chapters 66 and 212, laws of 1831-'32, and 1846-'47. Read and passed second and third times. Yeas 29 ; nays 1.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Eppes, Flemming, Grandy, Gudger, Harris, King, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—29.

*Nays*—Mr. Love—1.

S. B. No. 227, H. B. No. 69 : A bill to be entitled an act to amend chapter 162, section 27, laws of 1868-'69. Read and passed second and third times. Yeas 26 ; nays 9.

*Yeas*—Messrs. Cowles, Cunningham, Ellis of Catawba, Eppes, Flemming, Grandy, Hill, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Miller, Murray, Nicholson, Norwood, Price, Ransom, Smith, Stafford, Todd, Walker, Welch and Worth—26.

*Nays*—Messrs. Allen, Avera, Davis, Dunham, Ellis of Columbus, Gudger, McCauley, Morehead of Rockingham and Troy—9.

A bill to be entitled an act to incorporate the town of Bush Hill, in Randolph county. Read and passed second and third times. Yeas 38 ; nays 1.

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Horton, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, **Welch** and Worth—38.

*Nays*—Mr. **Murphy**—1.

S. B. No. 548, H. B. No. 551: A bill to be entitled an act to incorporate the People's Building and Loan Association of Morganton, North Carolina. Read and passed second and third times. Yeas 38; nays 1.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Horton, Humphrey, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Miller, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Todd, Troy, Walker, Welch and Worth—38.

*Nays*—Mr. Morehead of Rockingham—1.

S. B. No. 598: A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code. Read and passed second and third times. Yeas 38; nays none.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Harris, Hill, Horton, Humphrey, Johnston, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—38.

*Nays*—None.

H. B. No. 577: A bill to be entitled an act to fix the time and place of the first meeting of the Trustees of the University of North Carolina. Read and passed second and third times. Yeas 32; nays 3.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Harris, Hill, Horton, Humphrey, Johnston, Love, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Ransom, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays*—Messrs. Grandy, King and Long.

The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:



An act to amend the charter of the Neuse River Ferry Company.

An act to include the county of Hyde in the provisions of the act relating to fences, and for the protection of crops, chapter 193, acts of 1872-'73.

An act in reference to the stockholders and directors of the Carolina Central Railway Company.

An act to change the time of holding the Superior Courts of Randolph county, in the Seventh Judicial District.

An act to incorporate the town of Taylorsville, in Alexander county.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 368 : A bill to be entitled an act to incorporate Piedmont Springs Company.

S. B. No. 364 : A bill to be entitled an act to incorporate Perseverance Council, No. 74, Friends of Temperance.

S. B. No. 363 : A bill to be entitled an act to incorporate Leota Lodge, in Columbia, Tyrrell county.

S. B. No. 173 : A bill to be entitled an act for the better protection of the county bridges across Tar River, at Greenville, in Pitt county.

Amendments to S. B. No. 353, H. B. No. 307 : A bill to be entitled an act to allow the commissioners of Stanley county to levy a special tax.

S. B. No. 590 : A bill to be entitled an act authorizing the commissioners of Sampson county to levy a special tax.

S. R. No. 575 : Resolution in favor of W. C. Thurston.

S. B. No. 365 : A bill to be entitled an act to incorporate Fayetteville Masonic Lodge, No. 329, at Fayetteville.

S. B. No. 241 : A bill to be entitled an act to adjust the State Debt.

S. B. No. 355 : A bill to be entitled an act to amend chapter 33, Battle's Revisal, entitled criminal proceedings, was taken up and read second time. Pending the consideration

of the bill on its second reading, on motion, the Senate adjourned.

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EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 6, 1874.

Mr. Murphy moved that the Private Calendar be taken up, that the bills be put upon their several readings, and that the twenty-fifth of the Senate rules of order be suspended for to-night. The motion prevailed.

The following named bills were acted on, as follows :

S. B. No. 381, H. B. No. 285 : A bill to be entitled an act to enable the board of commissioners of Gates county to sell land. Laid on the table.

S. B. No. 473, H. B. No. 371 : A bill to be entitled an act to empower the board of education of Davidson county to establish a teachers' institute in said county. The bill was read third time, the amendments proposed by the Committee on Education prevailed, and the bill passed third time.

S. B. No. 392, H. B. No. 235 : A bill to be entitled an act to incorporate Sandy Cross Colored Farmers' Mutual Aid Society, of Gates county. Read and passed second time, and recommitted to the Committee on Corporations.

S. B. No. 400, H. B. No. 58 : A bill to be entitled an act to establish a turnpike road from the town of Winston, in the county of Forsythe *via* Yadkinville, in the county of Yadkin, to the town of Wilkesboro, in the county of Wilkes. Read and passed second and third times. Yeas 20 ; nays 15.

*Yeas*—Messrs. Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Powell, Price, Stafford, Waring and Worth—20.

*Nays*—Messrs. Eppes, Gudger, Hill, Humphrey, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Murphy, Scott, Smith and Todd—15.



S. B. No. 554, H. B. 423: A bill to be entitled an act to amend the charter of the town of Battleboro. Read and passed second and third times. Yeas 24; nays 7.

*Yeas*—Messrs. Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Humphrey, Love, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Powell, Price, Scott, Stafford, Todd, Waring and Worth—24.

*Nays*—Messrs. Cramer, Eppes, King, Long, Mabson, McCabe and McCotter—7.

S. B. No. 443, H. B. No. 214: A bill to be entitled an act to authorize the commissioners of Polk county to levy a special tax. The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. Yeas 23; nays 8.

*Yeas*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Hill, Horton, King, Long, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Murray, Nicholson, Powell, Scott, Stafford and Worth—23.

*Nays*—Messrs. Davis, Dunham, Gudger, Love, Merrimon, Price, Todd and Waring—8.

S. B. No. 471, H. B. No. 207: A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease a certain public landing. Laid on the table.

The following named bills were read and passed second and third times:

S. B. No. 391, H. B. No. 273: A bill to be entitled an act to incorporate the town of Sanford, in the county of Moore.

S. B. No. 395, H. B. No. 364: A bill to be entitled an act for the relief of the sureties of the late Wm. A. Walton.

S. B. No. 397, H. B. No. 304: A bill to be entitled an act to incorporate Centre Presbyterian church, in the county of Iredell.

S. B. No. 404, H. B. No. 256: A bill to be entitled an act to make the entry takers of certain counties *ex officio* county agents.

S. B. No. 401, H. B. No. 276: A bill to be entitled an act to change the line between the counties of Swain, Graham and Macon near the residence of Jeff. George.

S. B. No. 405, H. B. No. 586: A bill to be entitled an act to amend chapter 110, laws of 1856-'57, in regard to the town of Salem.

S. B. No. 411: A bill to be entitled an act to authorize the commissioners of Stokes county to have the town lots of Danbury re-surveyed.

S. B. No. 425: A bill to be entitled an act to amend an act entitled an act to incorporate the Horse Ford Manufacturing Company, ratified the 11th day of February, 1873.

S. B. No. 433, H. B. No. 305: A bill to be entitled an act to incorporate the Rough and Ready Fire Company, No. 1, of Newbern.

S. B. No. 435, H. B. No. 325: A bill to be entitled an act to incorporate the the town of Engelhard in the county of Hyde.

S. B. No. 438, H. B. No. 298: A bill to be entitled an act to incorporate Nebo Camp Ground in the county of McDowell.

S. B. No. 447, H. B. No. 427: A bill to be entitled an act to authorize the commissioners of the town of Lenoir to sell certain tracts of land.

S. B. No. 552, H. B. No. 399: A bill to be entitled an act to incorporate the town of Liecester in the county of Buncombe.

S. B. No. 466: A bill to be entitled an act to incorporate the Lockville Cotton and Woolen Mills.

S. B. No. 469, H. B. No. 321: A bill to be entitled an act to incorporate Smith Grove Camp Ground in Davie county.

S. B. No. 449, H. B. No. 291: A bill to be entitled an act to incorporate the Frizell's Citizens' Fire Company of Fayetteville.

S. B. No. 465: A bill to be entitled an act to incorporate the Cape Fear Cotton and Woolen Mills.

S. R. No. 494: Resolution in favor of certain newspapers.



S. B. No. 471, H. B. No. 336: A bill to be entitled an act to incorporate the town of Manson in the county of Warren.

S. B. No. 472, H. B. No. 398: A bill to be entitled an act to incorporate the town of Gold Hill, in the county of Rowan.

S. B. No. 474, H. B. No. 337: A bill to be entitled an act to incorporate the town of Cresswell in Washington county.

S. B. No. 477, H. B. No. 324: A bill to be entitled an act to incorporate Lilesville, in the county of Anson.

S. B. No. 502, H. B. No. 208: A bill to be entitled an act to authorize the commissioners of Martin county to sell or lease certain lands in said county.

S. B. No. 510: A bill to be entitled an act to incorporate the town of Vandermere.

S. B. No. 519, H. B. No. 354: A bill to be entitled an act to authorize the county board of education of Randolph county to organize a teachers' institute.

On motion the Senate adjourned.

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### FIFTY-THIRD DAY.

SENATE CHAMBER February 7th, 1874.

Journal of yesterday was read.

Leave of absence was granted to Mr. Eppes until Tuesday next.

Reports from standing committees were submitted, as follows:

From Committee on Agriculture:

By Mr. Norwood: A bill to be entitled an act to establish a bureau of immigration, statistics and agriculture, with accompanying amendment.

S. B. No. 569, H. B. No. 419: A bill to be entitled an act for the better protection of sheep in Jackson and other counties, with a recommendation that it do pass.

From Committee on Propositions and Grievances :

By Mr. Love: A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities, with a recommendation that it do not pass.

S. B. No. 570: A bill to be entitled an act for the prevention of cruelty to animals, with accompanying amendment.

S. B. No. 595: A bill to be entitled an act to amend chapter 254, laws of 1870-'71, with a recommendation that it do pass.

S. B. No. 499, H. B. No. 153: A bill to be entitled an act to repeal chapter 68, Public Laws of 1868-'69, and chapter 262, acts of 1870-'71, with accompanying amendments.

S. B. No. 498, H. B. No. 406: A bill to be entitled an act to lay off and improve the public roads leading from Wilkesboro, in the county of Wilkes, to Taylorsville. in the county of Alexander, with accompanying amendment.

By Mr. Murray, S. B. No. 605: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax.

Mr. Love also reported from the Committee on Propositions and Grievances, the following named bills in reference to the sale of spirituous liquors in certain localities, with a recommendation that the several bills do pass.

S. B. No. 23, H. B. No. 10: A bill to be entitled an act to repeal as much of chapter 171, laws of 1872-'73, as prohibits the sale of intoxicating liquors within the corporate limits of the town of Lumberton.

S. B. No. 399, H. B. No. 234: A bill to be entitled an act to amend chapter 19, laws of 1872-'73, entitled an act to change the name of the town of Boon Hill, in Johnston county, and prohibiting the sale of spirituous liquors therein.

S. B. No. 409: A bill to be entitled an act in relation to Ruffin, N. C.

S. B. No. 410: A bill to be entitled an act to prevent the sale of spirituous within one mile of Solomon Seymore's in Chatham county.



S. B. No. 144, H. B. No. 54: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the Town of Charleston, in the county of Swain.

S. B. No. 126: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of the town of Burnsette.

S. B. No. 475, H. B. No. 361: A bill to be entitled an act touching the prohibition of the sale of spirituous liquors within the corporate limits of Oxford, in Granville county.

S. B. No. 270: A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Granite Cotton Factory and Mills.

S. B. No. 528, H. B. No. 382: A bill to be entitled an act to prevent the selling or giving away of intoxicating liquors within two miles of Turkey Creek Camp Ground, in Buncombe county, and for other purposes.

S. B. No. 373: A bill to be entitled an act to prohibit the sale of intoxicating liquors within two miles of Coddle Creek Associated Reform Presbyterian Church and Academy, in the county of Iredell.

S. B. No. 371: A bill to be entitled an act to prevent the sale of spirituous liquors in one mile of Gulf Mills, Chatham county.

S. B. No. 365: A bill to be entitled an act to prohibit the sale of liquor within one mile of St. Clement's Chapel, Ringwood, Halifax county.

S. B. No. 428: A bill to be entitled an act to prohibit the sale of spirituous liquors within one mile of Meadow Branch Church, in Union county.

S. B. No. 163, H. B. No. 89: A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of Cedar Creek Church, in Anson county.

S. B. No. 20: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of the town of Jefferson, Ashe county.

S. B. No. 214, H. B. No. 88: A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of

the Methodist Church at Shallotte Camp Ground, in Brunswick county.

S. B. No. 385, H. B. No. 331: A bill to be entitled an act to prohibit the sale of liquor in certain localities in Chatham county.

S. B. No. 449: A bill to be entitled an act prohibiting the sale of liquor within two miles of Macedonia Church, Swift Creek Township, Wake county.

H. B. No. 172: A bill to be entitled an act to prevent the sale of spirituous liquors within two miles of any place of public worship in Stokes county, upon the days of such worship.

S. B. No. 589: A bill to be entitled an act to prohibit the sale of spirituous liquors within two miles of Greenwood and Rock Spring Churches located in Granville county.

S. B. No. 568, H. B. No. 408: A bill to be entitled an act to prohibit the sale of spirituous liquors in certain localities in Bladen county.

S. B. No. 366: A bill to be entitled an act to prevent the the sale of spirituous liquors in certain localities.

S. B. No. 275: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Friendship church, in Harnett county.

S. B. No. 246, H. B. 187: A bill to be entitled an act to prohibit the sale of liquors in the town of Trenton, in Jones county.

S. B. No. 69, H. B. No. 6: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Laurinburg Presbyterian Church, at Laurinburg, in Richmond county.

S. B. No. 147: A bill to be entitled an act to prohibit the sale of spirituous liquors within three miles of Union Church, Grant Township, New Hanover county.

Mr. Murphy moved that the several bills be recommitted to the Committee on Propositions and Grievances. The motion prevailed.

Mr. Hill reported from the Committee on Propositions and



Grievances, S. B. No. 342, H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company, with accompanying amendments.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By Mr. Welch: A bill to be entitled an act to amend section 14, chapter 105, of Battle's Revisal. To the Committee on Judiciary.

By Mr. Miller: A bill to be entitled an act to prohibit the sale of intoxicating drinks in the town of Shelby, Cleveland county, and within two miles of the same. Placed on the Calendar.

By Mr. Allen: A bill to be entitled an act in reference to inspectors in the city of Wilmington. To the Committee on Propositions and Grievances.

By Mr. Grandy: A bill to be entitled an act to authorize B. F. Spence and Jonathan Edney to establish a turnpike across the Swamp at Old Lebanon Mill, in Camden county. To the Committee on Propositions and Grievances.

By Mr. Murphy: A bill to be entitled an act relating to the Board of Public Charities. To a Select Committee on Charitable Institutions.

By message from the House of Representatives, H. B. No. 318: A bill to be entitled an act for the relief of persons who have entered vacant lands in Cherokee, Clay and Graham counties. To the Committee on Propositions and Grievances.

H. R. No. 117: Resolution in favor of Josiah Turner, Jr. Placed on the Calendar.

H. B. No. 477: A bill to be entitled an act to incorporate Harmony Hill Camp Ground, in the county of Iredell. To the Committee on Corporations.

H. B. No. 519: A bill to be entitled an act to provide for the removal of civil causes from one Judicial District to another. To the Committee on Judiciary.

H. B. No. 517: A bill to be entitled an act to amend the charter of the New River Canal Company. To the Committee on Corporations.

Mr. Powell introduced the following resolution, which was read and adopted :

“ *Resolved* by the Senate of North Carolina, that the Attorney General be and he is hereby requested to enquire into and report to this body the present status of the title to the lands known as Camp Mangum, and used by the State of North Carolina as a camp of instruction during the late war.”

Bills and resolutions were acted on under a suspension of the rules, as follows :

S. B. No. 514, H. B. No. 402: A bill to be entitled an act to amend chapter 193, laws of 1872-'73. Taken from the table and recommitted to the Committee on Judiciary.

S. R. No. 613, H. R. No. 117: Resolution in favor of Josiah Turner, Jr. The resolution was read second time.

Mr. Allen moved the previous question, and the Senate ordered the main question to be put. The question then recurring on the passage of the resolution on its second reading the yeas and nays were ordered and the resolution passed second time. Yeas 29; nays 7.

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Gudger, Harris, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Scott, Smith, Stafford, Todd, Waring, Welch and Worth—29.

*Nays*.—Messrs. Cramer, Grandy, Hill, Johnston, Long, McCotter and Ransom—7.

The resolution was then read and passed third time. Yeas 26; nays 6.

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Morehead of Guilford, Morehead of



Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Todd, Waring, Welch and Worth—26.

*Nays*—Messrs. Cramer, Grandy, Hill, Long, McCotter and Walker—6.

S. R. No. 483, H. R. No. 72: Resolution in regard to certain important manuscript belonging to the State. Read and passed second and third times. Yeas 32; nays 1.

*Yeas*.—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Johnston, King, Long, McCauley, McCotter, Morehead of Guilford, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Stafford, Walker, Waring and Welch—32.

*Nays*—Mr. Todd—1.

S. B.-No. 30: A bill to be entitled an act to amend section 13, chapter 27, Battle's Revisal.

Read and passed second time, recommitted to the Committee on Judiciary and made special order for to-day at 1 P. M.

A bill to be entitled an act to prohibit the sale of intoxicating drinks in the town of Shelby, Cleaveland county and within two miles of the same. Read and passed second and third times. Yeas 31; nays 2.

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Horton, Long, Love, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Walker, Waring, and Welch—31.

*Nays*—Messrs. Dunham and Johnston—2.

Mr. Allen by consent reported that the Committee on Judiciary had considered S. B. No. 514, H. B. No. 402, a bill to be entitled an act to amend chapter 193, laws of 1872-'73, and recommended its passage. On motion the rules were

suspended and the Senate proceeded to consider the bill. The bill was read second time.

Mr. Waring moved to amend by inserting after the word "act," in section 2, the words "after having been forbidden to do so."

The amendment prevailed and the bill passed second time.

The bill was then read and passed third time. Yeas 19; nays 8.

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Cunningham, Ellis of Catawba, Flemming, Gudger, Hill, Horton, Johnston, McCauley, Merrimon, Murphy, Murray, Norwood, Powell, Waring, Welch and Worth—19.

*Nays*—Messrs. Cowles, Dunham, King, Long, Morehead of Rockingham, Price, Smith and Walker—8.

At 12½ P. M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 575, H. B. No. 408, a bill to be entitled an act to provide for the collection of taxes by the State and by the several counties of the State, on property, polls and incomes.

Section 1 was read.

Mr. Ellis of Catawba moved to amend the section by inserting after the word "allow," in line 13, the words "not to exceed ten dollars to each member of the board." The amendment prevailed and the section was agreed to.

Section 2 was read and agreed to.

Section 3 was read.

Mr. Barnhardt moved to amend the section by inserting after the word "same," in line 5, the words:

"At the same time it shall be the duty of the county commissioners to select and notify one trustee from each township board of trustees in their county to meet the county commissioners as a county board of assessors, at some day before the township assessment. When in session it shall be their duty to agree upon some uniform scale of valuation of both real and personal property of their county, which



uniform scale shall be adhered to as near as practicable by the township boards."

The amendment prevailed and the section was agreed to. Sections 4, 5, 6 7 and 8 were severally read and agreed to. Section 9 was read.

Mr. Waring moved to amend the section by inserting after the word "sheep," in line 10, the words "and dogs." The amendment did not prevail.

Mr. Morehead of Rockingham moved to amend the section by inserting after the word "derived" the words "from property taxed and." The amendment prevailed and the section was agreed to.

Section 10 was read.

Mr. Murray moved to amend by inserting after the words "proportion to," in line 15, the words "to the value of the property belonging to and," and by inserting before the word "lying," in line 16, the words "situate or." The amendment did not prevail and the section was agreed to.

Sections 11 and 12 were severally read and agreed to.

Section 13 was read.

Mr. Worth moved to amend by striking out all after the word "paid" in line 28. The amendment prevailed and the section was agreed to.

Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 were severally read and agreed to.

Mr. McCauley moved to amend by inserting the following as a new section :

"SECTION 45. That it shall be the duty of every person peddling in manner set forth in section 20 of this act, upon demand of any constable or justice of the peace of any township in which he shall vend goods, wares, merchandise, drugs, nostrums or medicines, or shall offer to do so, to exhibit his license to such constable or justice of the peace, and upon failure to do so every such person shall be pre-

sumed to be trading without license, and shall be arrested and held to answer the charge; and it shall be the duty of all constables and justices of the peace to arrest all persons peddling without license contrary to the provisions of said section 20 of this act."

The amendment prevailed and the question recurring on its passage the bill passed third time. Yeas 18; nays 16.

*Yeas*—Messrs. Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Horton, King, Long, Love, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Norwood, Stafford, Todd, Welch and Worth—18.

*Yeas*—Messrs. Allen, Cramer, Flemming, Grandy, Gudger, Johnston, Love, McCauley, Merrimon, Nicholson, Powell, Price, Ransom, Smith, Walker and Waring—16.

Mr. Allen, by consent, reported that the Committee on Judiciary had examined S. B. No. 30, a bill to be entitled an act to amend section 13, chapter 27, Battle's Revisal, and recommended its passage after the adoption of an amendment in the nature of a substitute proposed by the Committee, and the hour of 1 P. M. having arrived, the Senate proceeded to consider the bill it being special order for that hour. The bill was read third time, the amendment in the nature of a substitute proposed by the Committee on Judiciary prevailed and the bill passed third time. Yeas 28; nays none.

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Horton, King, Love, McCauley, Merrimon, Miller, Murray, Nicholson, Norwood, Stafford, Todd, Walker, Waring, Welch and Worth—28.

*Nays*—None.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:



An act to allow the commissioners of Stanley county to levy a special tax.

An act to amend an act to incorporate the Haywood and Cane Creek R. R. Co.

An act to fix the time and place of the first meeting of the trustees of the University.

An act to amend chapter 85, Private Laws of 1871-'72.

Resolution in favor of Josiah Turner, Jr.

The following named bills and resolutions, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 591 : A bill to be entitled an act to amend chapters 66 and 212 laws of 1831-'32, and 1846-'47.

S. R. No. 584 : Resolution in reference to a North Carolina Manual.

S. B. No. 598 : A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code.

On motion, the Senate adjourned.

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#### FIFTY-FOURTH DAY.

SENATE CHAMBER, February 9th, 1874.

Journal of Saturday was read.

Mr. Allen moved that the twenty-fifth of the Senate rules of order, be suspended for the remainder of the session, except when the yeas and nays are called by some Senator. The motion prevailed.

Reports from standing committees were submitted, as follows :

From Committee on Judiciary :

By Mr. Allen, S. B. No. 106 : A bill to be entitled an act to amend section 16, chapter 1, title IV, Code of Civil Pro-

cedure, Battle's Revisal, with a recommendation that it do pass.

By Mr. Price : S. B. No. 567, H. B. No. 431 : A bill to be entitled an act giving the Superior Court of Martin county concurrent jurisdiction with Bertie county over misdemeanors, committed on Canine Island, in Bertie county, with a recommendation that it do pass.

By Mr. Grandy, S. B. No. 521 : A bill to be entitled an act to amend chapter 75 of laws of 1872-'73, with a recommendation that it do pass.

By Mr. Morehead of Guilford, S. B. 597 : A bill to be entitled an act to amend section 2, chapter 23, Battle's Revisal, and to define the bailiwick of a constable. with a recommendation that it do pass.

By Mr. Flemming, S. B. No. 606 : A bill to be entitled an act to re-enact sections 24 and 25, of chapter 32, of Revised Code, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 592 : A bill to be entitled an act to amend section 22, chapter 117, Battle's Revisal, concerning widows, with a recommendation that it do pass.

S. B. No. 618 : A bill to be entitled an act to amend section 14, chapter 105 of Battle's Revisal; with a recommendation in the nature of a substitute.

By Mr. Todd, S. B. No. 604 : A bill to be entitled an act in relation to the county of Franklin, with a recommendation that it do pass.

From Committee on Education :

By Mr. Cunningham, S. B. No. 590 : A bill to be entitled an act to incorporate the Trustees of the Halifax Educational Association, in Halifax county, with a recommendation that it do pass.

From Committee on Propositions and Grievances :

By Mr. Avera, S. B. No. 619 : A bill to be entitled an act in reference to inspectors in the city of Wilmington, with a recommendation that it do pass.

By Mr. Love, S. B. No. 601 : A bill to be entitled an act



for the greater security of human life, without recommendation.

Mr. Love also reported from this committee sundry bills in relation to the sale of spirituous liquors, with recommendations that they do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 512, H. B. No. 548: A bill to be entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes, with certain amendments.

The Senate concurred in the amendments adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

A message was also received from the House of Representatives informing the Senate that that body had concurred in the amendment adopted by the Senate to the House resolution on adjournment, after amending the same by adding thereto the words "at the hour of 12 M."

The question recurring on concurring in the amendment adopted by the House Representatives, the yeas and nays were ordered on demand of Mr. Cunningham, and the amendment was concurred in. Yeas 37; nays none.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Fleming, Grandy, Gudger, Harris, Hill, Horton, Humphrey, King, Long, Love, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

Mr. King moved to reconsider the vote just had, and to lay that motion on the table. The motion to lay on the table prevailed.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 377: A bill in relation to the taking or shooting mountain

trout in the waters of Elk River and tributaries, in the counties of Mitchell and Watauga. Placed on the Calendar.

H. B. No. 400: A bill to be entitled an act to charter the Bank of Wilson. To the Committee on Corporations.

H. B. No. 484: A bill to be entitled an act to amend chapter 171, laws of 1872-'73. To the Committee on Judiciary.

H. B. No. 450: A bill to be entitled an act to amend chapter 28, private laws of 1868-'69. To the Committee on Judiciary.

H. B. No. 457: A bill to be entitled an act for the relief of the sheriff of Alexander county. To the Committee on Propositions and Grievances.

H. B. No. 496: A bill to be entitled an act to incorporate Pee Dee Manufacturing Company. To the Committee on Corporations.

H. B. No. 521: A bill to be entitled an act to incorporate the town of Cerro Gordo. To the Committee on Corporations.

H. B. No. 524: A bill to be entitled an act supplemental to an act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company. To the Committee on Corporations.

H. B. No. 523: A bill to be entitled an act to charter the Jamesville and Washington Railroad and Lumber Company. To the Committee on Corporations.

S. B. No. 542: A bill to be entitled an act to amend an act entitled an act to incorporate Renno's Camp Ground, and Locust Old Field Baptist Church. To the Committee on Corporations.

By Mr. Flemming: A bill to be entitled an act to amend section 28, chapter 27, Battle's Revisal. To the Committee on Judiciary.

H. R. No. 134: Resolution asking the opinion of the Supreme Court touching the right of the General Assembly to order an election the first Thursday in August, 1874, for two Supreme Court Judges, &c., introduced by message



from the House of Representatives, was, on motion laid on the table. Yeas 20; nays 17.

*Yeas*—Messrs. Avera, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Horton, Love, Merrimon, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Price, Scott, Stafford, Todd, Welch and Worth—20.

*Nays*—Messrs. Allen, Cowles, Cramer, Flemming, Grandy, Harris, Hill, Humphrey, Johnston, King, Long, McCauley, McCotter, Morehead of Guilford, Powell, Smith and Walker—17.

Mr. Morehead of Rockingham, moved that the consideration of the various bills in relation to the sale of spirituous liquors be made special order for 7:45 P. M. to-day. The motion prevailed.

Mr. McCauley moved to reconsider the vote by which S. B. No. 575, H. B. No. 458: A bill to be entitled an act to provide for the collection of taxes by the State and by the several counties of the State on property, polls and incomes, passed third time on Saturday last. The motion prevailed.

Mr. McCauley then moved to reconsider the vote by which the amendment to said bill offered by himself on the same day, was adopted. The motion prevailed.

The question then recurring on the adoption of the resolution, it was by consent withdrawn.

The question then recurring on the passage of the bill Mr. McCauley moved to amend by inserting the following as section 45:

“SECTION 45. That it shall be the duty of every person who peddles goods, wares, merchandise, drugs, nostrums or medicines, and for whom a license for that purpose is required by law, upon demand of any constable or justice of the peace of any township in which he shall vend or offer to vend such commodities, to exhibit his license to such constable or justice of the peace, and upon failure to do so, every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the

charge, and it shall be the duty of all constables and justices of the peace to arrest all persons peddling without the license required by law, and to hold them to answer."

The amendment prevailed, and the bill passed third time. Yeas 20; nays 16.

*Yeas*.—Messrs. Cowles, Dunham, Ellis of Catawba, Ellis of Columbus, Harris, Johnston, King, Long, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Scott, Stafford, Todd, Waring, Welch and Worth—20.

*Nays*.—Messrs. Allen, Avera, Cramer, Cunningham, Davis, Flemming, Grandy, Gudger, Hill, Horton, McCotter, Nicholson, Powell, Price, Ransom and Walker—16.

Bills and resolutions were acted on, under a suspension of the rules, as follows:

S. R. No. 563: Resolution in favor of Samuel Cabe. Read and passed second and third times.

S. B. No. 600, H. B. No. 482: A bill to be entitled an act in reference to the First Judicial District, and for other purposes. Made special order for Wednesday the 11th instant, at 1 P. M.

S. B. No. 501, H. B. No. 335: A bill to be entitled an act to amend chapter 175, of the laws of 1868-'69. Read and passed second and third times.

S. B. No. 606: A bill to be entitled an act to re-enact sections 24 and 25, of chapter 32, of the Revised Code. Read and passed second and third times.

S. B. No. 567, H. B. No. 431: A bill to be entitled an act giving the Superior Court of Martin county concurrent jurisdiction with Bertie county over misdemeanors committed on Canine Island, in Bertie county. Read and passed second and third times.

S. R. No. 252: Resolution appointing J. Turner Morehead of Rockingham county, a member of the Board of Public Charities. Read and adopted.



The following named acts, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to make the entry takers of certain counties *ex officio* county agents.

An act to amend chapter 110, laws of 1856-'57, in regard to the town of Salem.

An act for the relief of the sureties of the late Wm. A. Walton.

An act to incorporate the town of Creswell, in Washington county.

An act to authorize the commissioners of Martin county to sell or lease certain lands.

An act to incorporate the Peoples' Building and Loan Association of Morganton, N. C.

An act to amend chapter 162, section 27, laws of 1868-'69, in regard to proceedings by parties committed in cases of bastardy.

An act to incorporate the Frizell Citizens' Fire Company, of Fayetteville.

An act to incorporate the trustees of Smith Grove Camp Ground, M. E. C. S., in the county of Davie.

An act to incorporate the town of Manson, in Warren county.

An act to authorize the commissioners of the town of Le noir to sell certain tracts of land.

An act to incorporate the town of Leicester, in Buncombe county.

An act to incorporate the town of Englehardt, in the county of Hyde.

An act to incorporate Lilesville, in Anson county.

The following bills and resolution, reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 411: A bill to be entitled an act to authorize the commissioners of Stokes county to have the town lots of Danbury re-surveyed.

S. B. No. 425: A bill to be entitled an act to amend an act entitled an act to incorporate the Horse Ford Manufacturing Company.

S. B. No. 609: A bill to be entitled an act to incorporate the town of Bush Hill, in Randolph county.

S. R. No. 494: Resolution in favor of certain newspapers.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 602, H. B. No. 459, a bill to be entitled an act to raise revenue.

On motion it was ordered that the bill be considered by sections.

Sections 1, 2 and 3, and sections 1 and 2 of class I, were severally read. Section 3, of class I, was read.

Mr. Troy moved to amend the section by striking out the words, "outer walls around the." The amendment prevailed.

Sections 1 and 2 of class II, and sections 1, 2 and 3 of schedule "B," were severally read. Section 4 of schedule "B" was read.

Mr. Waring moved to amend the section by striking out in line 2, the word "one," and inserting in lieu thereof the word "two." The yeas and nays were ordered on demand of Mr. Dunham, and the amendment did not prevail. Yeas 17; nays 19.

*Yeas*—Messrs. Avera, Cowles, Davis, Ellis of Columbus, Harris, Hill, Humphrey, Merrimon, Miller, Murphy, Nicholson, Norwood, Powell, Price, Ransom, Stafford and Waring—17.

*Nays*—Messrs. Allen, Cramer, Cunningham, Dunham, Ellis of Catawba, Flemming, Grandy, Gudger, Horton, King, Long, Love, McCauley, McCotter, Morehead of Rockingham, Scott, Walker, Welch and Worth—19.

Section 5 was read.

Section 6 was read.

Mr. Avera moved to amend by striking out in line 4 the word "ten" and inserting in lieu thereof the words "one hundred" and by striking out in line 7 the words "five hundred" and inserting "one thousand." The amendments did not prevail.



Mr. Love moved to amend by adding to the section the words:

“On every free pass, or what is commonly called a ‘dead head ticket,’ if issued to any State or county officer, or to any member of the General Assembly or any officer thereof, one hundred dollars.”

The amendment did not prevail.

Sections 7, 8 and 9 were severally read.

Section 10 was read.

Mr. Cowles moved to amend by inserting after the word “certificate,” in line 12, the words:

“*And provided further*, that no county shall levy for county purposes a greater sum than is hereby levied for State purposes.”

The amendment prevailed.

Section 11 was read.

Mr. Avera moved to amend by striking out in line 8, the words “twenty-five” and inserting in lieu thereof the word “fifty.” The amendment did not prevail.

Sections 12, 13, 14, 15, 16 and 17 were severally read.

Section 18 was read.

Mr. Ellis of Catawba moved to amend by striking out the word “quarterly.” The amendment did not prevail.

Section 19 was read.

Section 20 was read.

Mr. Cowles moved to amend by striking out the second proviso. The yeas and nays were ordered, on demand, and the motion prevailed. Yeas 20; nays 15.

*Yeas*—Messrs. Allen, Cowles, Ellis of Catawba, Flemming, Gudger, Hill, Horton, Johnston, Long, Love, McCauley, Morehead of Guilford, Morehead of Rockingham, Nicholson, Powell, Price, Scott, Stafford and Walker—20.

*Nays*—Messrs. Avera, Cramer, Cunningham, Dunham, Ellis of Columbus, Harris, King, McCotter, Merrimon, Miller, Murphy, Norwood, Ransom, Todd, Waring and Worth—15.

On motion the Senate adjourned.

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### EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 9, 1874.

The following named bills were acted on, under a suspension of the rules, as follows:

S. B. No. 531: A bill to be entitled an act to refund the taxes paid by the Petersburg Railroad Company in the years 1869, 1870 and 1871. Recommended to the Committee on Finance.

S. B. No. 392, H. B. No. 235: A bill to be entitled an act to incorporate Sandy Cross Colored Farmers' Mutual Aid Society, of Gates county. Read and passed third time.

S. B. No. 342, H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company. Read and passed third time.

S. B. No. 448: A bill to be entitled an act to repeal chapter 48 of Battle's Revisal, as far as Scotland Neck in Halifax county is concerned. The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed and the bill passed second time. The bill was then read and passed third time.

S. B. No. 586, H. B. No. 260: A bill to be entitled an act to amend an act entitled an act for the better government of the town of Wadesborough, in Anson county, being chapter 75 of the acts of 1825. Read and passed second time. Yeas 33; nays 1.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Horton, Humphrey, McCabe, Mc-



Cauley, McCotter, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—33.

*Nays*—Mr. Love—1.

S. B. No. 335: A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds. The bill was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed and the bill passed second time. Yeas 27; nays 7.

*Yeas*—Messrs. Avera, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Johnston, Long, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Allen, Cowles, Cramer, Dunham Humphrey, Love and McCauley—7.

S. B. No. 566, H. B. No. 411: A bill to be entitled an act to incorporate the town of Winton, in the county of Hertford. Read and passed second time. Yeas 32; nays 3.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Hill, Horton, Johnston, Long, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—32.

*Nays*—Messrs. Dunham, Love and Mabson—3.

At 7:45 P. M. the Senate proceeded to consider the various bills in relation to the sale of spirituous liquors, reported on this morning from the Committee on propositions and Grievances and numbered as follows, to-wit: S. B. 163 H. B. 89, S. B. 265, S. B. 371, S. B. 428, S. B. 380, S. B. 20, S. B. 449, S. B. 535, S. B. 568 H. B. 408, S. B. 385 H. B. 331, S. B. 69 H. B. 6, S. B. 246 H. B. 187, S. B. 366 H. B. 172, S. B. 214 H. B. 88, S. B. 147, S. B. 409, S. B. 399 H. B. 234, S. B. 257, S. B. 373, S. B. 326, S. B. 270, S. B. 40, S. B. 144 H. B. 54, S. B. 475 H. B. 361, S. B. 126, S. B. 410, S. B. 382, S. B. 23 H. B. 10.

On motion the several bills were laid on the table.



The Senate then proceeded to consider S. B. No. 562, H. B. No. 76, a bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities.

The question recurring on the amendment, in the nature of a substitute, proposed by the Committee on Propositions and Grievances, Mr. Gudger moved to amend the amendment by striking out the words "or the court house in Yancey county." The amendment prevailed.

Mr. Davis moved to amend by striking out the words "Bethel church, in Halifax county." The amendment prevailed.

Mr. Avera moved to amend by striking out "Princeton, in Johnston county," in section 2. The amendment prevailed.

Mr. Dunham moved to amend by striking out "Ebenezer or St. Clement's, in Halifax county." The amendment prevailed.

Mr. Long moved to amend by inserting the words "Mt. Gilead church, in Montgomery county." The amendment prevailed.

Mr. Hill moved to amend by inserting the words "Briar Branch, White Oak or Windsor Church in Bladen county; Christian Plains Church, in Columbus county;" before the word "Reid's" in line 91, section 1, and by striking out the word "or," in line 44, section 7, and inserting the words "or Zion Church, Town Creek township," after the word "Ground," in same line and section. The amendment prevailed.

Mr. Horton moved to amend by inserting the words "the court house in Wilkes county," before the word "or," in section 1, line 70. The amendment prevailed.

Mr. Powell moved to amend by inserting the words "the Baptist Church at Rolesville, in Wake county," after the word "county," in line 35, section 1. The amendment prevailed.

Mr. Cowles moved to amend by inserting the following as a new section :



"That this act shall only be in force in localities where notices of the passage of this act shall be kept posted in at least two public places within the limits of the localities wherein the sale of ardent spirits is prohibited by this act."

The yeas and nays were ordered, on demand of Mr. Cowles, and the amendment did not prevail. Yeas 9; nays 29.

*Yeas*—Messrs. Cowles, Dunham, Flemming, Grandy, Horton, Johnston, Mabson, Morehead of Guilford and Smith—9.

*Nays*—Messrs. Allen, Avera, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Ransom, Scott, Todd, Walker, Waring, Welch and Worth—29.

Mr. Love moved to amend by striking out in section 1, lines 78 and 79, the words "Centre Presbyterian Church or" and by inserting in section 1, line 72, the words "Centre Presbyterian Church, in Iredell county or Wayman Chapel, in Wake county;" by inserting after the word "county" in line 83, section 1, the words "white children's school house, in Pamlico county;" by inserting after the word "county," in line 58, section 1, the words "the court house in Macon county;" by striking out the words "or Turkey Creek Camp Ground," in line 47, section 1; by inserting after the word "county," in line 35, section 1, the words "Wake Forest College, in Wake county;" and by striking out in lines 10 and 11, section 2, the words "the court house in Macon county." The amendments prevailed.

Mr. Mabson moved to amend by striking out in lines 28 and 29, section 1, the words "Union Church, Grant Township, New Hanover county." The amendment did not prevail.

Mr. Price moved to amend by striking out the words, "Fork Church, in Davie county," in lines 49 and 50, section 1, and by inserting the same after the word "county," in line 83, section 1. The amendment prevailed.

Mr. Love moved to amend by inserting the words, "or within one-half mile of the grounds of the Roanoke and Tar River Agricultural Society, in Halifax county," before the word "or," in line 84, section 1. The amendment did not prevail.

Mr. Cowles moved to amend by inserting the words, "or within one-half mile of Boonville Baptist Church, in Yadkin county," after the word "county," in line 20, section 2. The amendment prevailed.

Mr. Flemming moved to amend by inserting the words "and the depot at Old Fort, in McDowell county," after the word "county," in line 21, section 2. The amendment prevailed.

The question then recurring on the amendment in the nature of a substitute proposed by the Committee on Propositions and Grievances, it prevailed.

The question then recurring on its passage the bill passed second time. The bill was then read and passed third time.

The following named bills were read and passed second and third times, under a suspension of the rules:

S. B. No. 434, H. B. No. 209: A bill to be entitled an act to amend an act entitled an act to amend the charter of the city of Raleigh, ratified the 23d day of February, 1871.

S. B. No. 462: A bill to be entitled an act to amend an act entitled an act to incorporate the Falls of Neuse Manufacturing Company, ratified the 5th day of January, 1872.

S. B. No. 517, H. B. No. 164: A bill to be entitled an act to purchase arms for military schools.

S. B. No. 509: A bill to be entitled an act to amend the charter of Edenton, Chowan county.

S. B. No. 526, H. B. No. 422: A bill to be entitled an act to incorporate Ramseytown Baptist Church, in Yancey county.

S. B. No. 527, H. B. No. 385: A bill to be entitled an act incorporate the village of King's Mountain, in the county of Cleveland.



S. B. No. 619: A bill to be entitled an act in reference to inspections, in the city of Wilmington.

The following named bill reported as correctly engrossed by committee on Engrossed Bills, was transmitted to the to the House of Representatives for concurrence:

S. B. No. 448: A bill to be entitled an act to repeal chapter 48 of Battle's Revisal, as far as Scotland Neck, in Halifax county is concerned.

On motion, the Senate adjourned.

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#### FIFTY-FIFTH DAY.

SENATE CHAMBER, February 10th, 1874.

Journal of yesterday was read.

Mr. McCabe asked and obtained leave to record his vote in the negative on the final passage of S. B. 575, H. B. No. 458, a bill to be entitled an act to provide for the collection of taxes by the State and by the several counties of the State on property, polls and income.

Mr. Gudger presented a petition from citizens of Yancey county asking that no action be taken to open Caney River in Yancey county, which was referred to the Committee on Propositions and Grievances.

Reports from standing committees were submitted, as follows:

From Committee on Propositions and Grievances:

By Mr. Love, S. B. No. 621, H. B. No. 418: A bill to be entitled an act for the relief of persons who have entered vacant lands in Cherokee, Clay and Graham counties, with a recommendation that it do pass.

By Mr. Avera, S. B. No. 537: A bill to be entitled an act for the relief of L. Meginney, Principal of the Wilmington Institute, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

S. B. No. 305: A bill to be entitled an act to appoint commissioners to lay off and improve the public road from Wilkesboro, in the county of Wilkes, to the ford at Elk Creek near Horton's Store, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From the Committee on Corporations:

By Mr. Avera, S. B. No. 628, H. B. No. 496: A bill to be entitled an act to incorporate Pee Dee Manufacturing Company, with accompanying amendment.

By Mr. Welch, S. B. No. 625, H. B. No. 542: A bill to be entitled an act to amend an act to incorporate Renno's Camp Ground and Locust Old Field Baptist Church, with a recommendation that it do pass.

S. B. No. 626, H. B. No. 524: A bill to be entitled an act supplemental to an act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company with a recommendation that it do pass.

S. B. No. 633, H. B. No. 523: A bill to be entitled an act to charter the Jamesville and Washington Railroad and Lumber Company, with a recommendation that it do pass.

By Mr. Price, S. B. No. 622, H. B. No. 477: A bill to be entitled an act to incorporate Harmony Hill Camp Ground in the county of Iredell, with a recommendation that it do pass.

S. B. No. 624, H. B. No. 517: A bill to be entitled an act to amend the charter of the New River Canal Company, with a recommendation that it do pass.

By Mr. Gudger, S. B. No. 382, H. B. No. 355: A bill to be entitled an act to incorporate Free Love Lodge, No. 1,469, Grand United Order of Odd Fellows, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. R. No. 113, H. R. No. 130, resolution allowing R. B. Creecy, free access to the records of the State for certain purposes, with



an amendment. The Senate concurred in the amendment adopted by the House and the resolution was ordered to be enrolled for ratification.

Also, that the House of Representatives had passed S. B. No. 263, H. B. No. 547, a bill to be entitled an act to incorporate the Raleigh Ware House and Trust Company, with an amendment. The Senate concurred in the amendment adopted by the House and the bill was ordered to be enrolled for ratification.

Also, that the House of Representatives had passed S. B. No. 484, H. B. No. 487, bill to be entitled an act to amend chapter 27, Battle's Revisal, entitled counties and county commissioners, with an amendment. The question recurring on concurring in the amendment adopted by the House of Representatives, the yeas and nays were ordered on demand of Mr. Smith, and the Senate concurred. Yeas 23; nays 12.

*Yeas*—Messrs. Allen, Avera, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Gudger, Humphrey, Love, McCauley, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Nicholson, Powell, Todd, Troy, Walker, Waring, Welch and Worth—23.

*Nays*—Messrs. Cramer, Harris, Hill, King, Long, Mabson, McCabe, Murphy, Price, Scott, Seymour and Smith—12.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By Message from the House of Representatives, H. B. No. 447: A bill to be entitled an act to amend section 53, Code of Civil Procedure, being chapter 17 section 53, Battle's Revisal. To the Committee on Judiciary.

H. R. No. 140: Resolution in favor of the Enrolling and Engrossing Clerks. Placed on the Calendar.

H. R. No. 139: Resolution in regard to indexing the Journals of the two Houses. Placed on the Calendar.

By Mr. Harris: A bill to be entitled an act for the relief

of Daniel Clancy, of Wake county. To the Committee on Propositions and Grievances.

By Mr. Mabson: A bill to be entitled an act to incorporate the Wilmington Cotton Mills. To the Committee on Corporations.

By Mr. Allen: A bill to be entitled an act to incorporate the Cape Fear Council of Patrons of Husbandry. To the Committee on Corporations.

By Mr. Scott: A bill to be entitled an act to amend an act entitled an act to incorporate the Oxford and Henderson Railroad Company, ratified 25th March 1871. To the Committee on Internal Improvements.

A bill to be entitled an act to amend an act entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company and Oxford and Henderson Railroad Company. To the Committee on Internal Improvements.

The following resolution was introduced, read and disposed of, as follows:

By message from the House of Representatives, H. R. No. 123: Resolution for appointment of a joint select committee on the State and United States Centennial Celebration. Concurred in.

Mr. Cunningham introduced the following resolution:

*Resolved*, That the Senate meet at 7½ o'clock this evening at 10½ A. M., and 7½ P. M. daily thereafter except Saturday."

The resolution was read.

Mr. Cowles moved to amend the resolution by adding thereto the words:

*Resolved further*, That no Senator shall address the Senate longer than ten minutes without unanimous consent upon any bill, resolution or other proposition that may be before the Senate for consideration."

The amendment prevailed.



The question then recurring on the adoption of the resolution, the yeas and nays were ordered on demand of Mr. Cunningham, and the resolution was adopted. Yeas 38; nays 3.

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Harris, Hill, Horton, Humphrey, King, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—38.

*Nays*—Messrs. Grandy, Gudger and Johnston—3.

Bills and resolutions were acted on under a suspension of the rules, as follows:

H. R. No. 140: Resolution in favor of the Enrolling and Engrossing Clerks. Read and passed second and third times.

H. R. No. 139: Resolution in regard to indexing the journals of the two Houses. Read and passed second and third times.

S. B. No. 286, H. B. No. 163: A bill to be entitled an act to amend chapter 90, laws of 1872-'73. The bill was read second time.

Mr. McCabe moved to amend by inserting the following as a new section:

SECTION 14. That section 25, chapter 9, laws of 1872-'73, be amended so as to read as follows: The school committee shall have the authority to employ and dismiss teachers of the schools within their townships, and shall determine the pay per month to be paid the same: *Provided however*, That teachers of the first grade shall not receive out of the school fund more than three dollars per day, of the second grade not more than two dollars per day, and of the third grade not more than one dollar and fifty cents per day, but no teacher shall receive any compensation for a less term than one month. No committeeman shall be a teacher, nor shall

any committeeman in any way be interested by contract or otherwise in the erection or repairing of any school house in his district."

The yeas and nays were ordered on demand of Mr. Seymour, and the amendment did not prevail. Yeas 6; nays 32.

*Yeas*—Messrs. Hill, Humphrey, Johnston, Mabson, McCabe and Seymour—6.

*Nays*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Gudger, Horton, King, Long, Love, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Todd, Troy, Walker, Waring, and Worth—32.

The question then recurring on its passage the bill passed second time. The bill was then read and passed third time.

At 12 M. the Senate resumed the consideration of S. B. No. 602, H. B. No. 459: A bill to be entitled an act to raise revenue, it being the special order for that hour. Section 21 was read.

Mr. Norwood moved to amend by striking out the word "twenty," and inserting the word "ten," and by inserting the word "annually" after the word "dollars." The amendment prevailed.

Sections 22, 23 and 24 were severally read. Section 25 was read.

Mr. McCauley moved to amend by inserting after the word "county," in line 49, the words, "and shall be further deemed guilty of a misdemeanor or cognizable by the Superior Court of such county. The amendment did not prevail.

Sections 26, 27 and 28 were severally read.

Mr. Harris moved to amend by striking out the words "twenty-five," in line 5, and inserting the word "fifty," in lieu thereof, and by striking out the word "fifty," in line 7,



and inserting the words "twenty-five" in lieu thereof. The amendment prevailed.

Sections 30, 31, 32 and 33 of schedule B and sections 1, 2 and 3 of schedule C were severally read. Section 4 was read.

Mr. Seymour moved to amend by striking out the words "one dollar," in line 4, and inserting the words "fifty cents." The amendment did not prevail.

Mr. Merrimon moved to amend by striking out the words "one dollar," in line 4, and inserting the words "twenty-five cents." The amendment did not prevail.

Mr. Cowles moved to amend by striking out all after the word "cents," in line 1.

The yeas and nays were ordered on demand of Mr. Cowles and the amendment did not prevail. Yeas 16; nays 25.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Flemming, Horton, Humphrey, King, Love, Mabson, McCabe, Nicholson, Ransom, Seymour and Stafford—16.

*Nays*—Messrs. Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Long, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Scott, Smith, Todd, Troy, Walker Waring and Worth—25.

Mr. Avera moved to amend by striking out the section. The amendment did not prevail.

Sections 5, 6, 7 8 and 9, were severally read.

Section 10 was read.

Mr. Gudger moved to amend by striking out the word "passage" and inserting in lieu thereof the word "ratification." The amendment prevailed.

Mr. Gudger moved to reconsider the vote by which the Senate refused to strike out section 4, schedule C. The motion to reconsider prevailed.

Mr. Gudger moved to amend the section by striking out the proviso. The motion prevailed.

Mr. Avera moved to amend by striking out the section.

The yeas and nays were ordered, on demand, and the mo-

*Yeas*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Flemming, Gudger, Horton, King, Love, Mabson, McCabe, Merrimon, Nicholson and Ransom—15.

tion did not prevail. *Yeas* 15; *nays* 25.

*Nays*.—Messrs. Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Johnston, Long, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Price, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—25.

Mr. Harris, by consent, moved to amend by striking out the words "twenty-five," in line 9, section 33, and inserting the word "fifty" in lieu thereof. The amendment prevailed.

Mr. Worth, by consent, moved to amend by striking out the word "ten" and inserting in lieu thereof the word "five," and by striking out the word "month" and inserting in lieu thereof, the word "quarter," in section 1, and by striking out the word "ten" and inserting in lieu thereof the word "five" in section 2.

Mr. Worth moved the previous question and the Senate ordered the main question to be put. The question then recurring on the amendments offered by Mr. Worth, the yeas and nays were ordered, on demand of Mr. Merrimon, and the amendments were adopted. *Yeas* 26; *nays* 12.

*Yeas*—Messrs. Allen, Avera, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Gudger, Harris, Hill, Horton, Love, Mabson, McCabe, Miller, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Troy, Waring and Worth—26.

*Nays*—Messrs. Cowles, Ellis of Columbus, King, Long, McCauley, McCotter, Merrimon, Morehead of Guilford, Nicholson, Ransom, Stafford and Todd.—12.

The question then recurring on its passage, the bill passed second time. *Yeas* 37; *nays* 2.

*Yeas*—Messrs. Allen, Cowles, Cramer, Cunningham, Avera, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Horton, King, Long, Love, Mabson, McCabe,



McCauley, McCotter, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays*—Messrs. Nicholson and Price—2.

The following named acts and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State :

An act to incorporate Nebo Camp Ground, on the N. C. R. R. in the county of McDowell.

An act to establish a turnpike road from the town of Winston via Yadkinville, to the town of Wilkesboro.

An act to incorporate Centre Presbyterian Church, in the county of Iredell.

An act to incorporate the Rough and Ready Fire Company No. 1.

An act to change the line between the counties of Swain, Graham and Macon.

An act to amend the charter of the town of Battleboro.

An act to lay off and establish a public road in the counties of Davidson and Davie, and to establish a public ferry across the Yadkin river.

An act to amend the charter of the N. C. R. R. Co., and for other purposes mentioned therein.

Resolution in relation to a North Carolina Manual.

Resolution in regard to the preservation of certain important manuscripts belonging to the State.

On motion the Senate adjourned.

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#### EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 10, 1874.

Bills and resolutions were acted on, under a suspension of the rules, as follows :

S. B. No. 539: A bill to be entitled an act to incorporate the Western North Carolina Land Company. The bill was read second time, the amendments proposed by the Committee on Corporations prevailed and the bill passed second time. The bill was then read and passed third time.

S. B. No. 551, H. B. No. 412: A bill to be entitled an act to incorporate St. John's Lodge, No. 12, of Free and Accepted A. Y. Masons, of Greensboro, Guilford county. Read and passed second time.

Mr. Morehead of Guilford moved to amend by striking out the name G. T. Morehead, and inserting the name G. Timeon Morehead, and by striking out the name James Morehead, and inserting the name James F. Morehead. The amendments prevailed and the bill passed third time.

S. B. No. 559, H. B. No. 425: A bill to be entitled an act in relation to the town of Trenton, in Jones county. The bill was read second time.

Mr. Scott moved to amend by adding to section 3, the words:

"That J. L. Kinsey, W. W. Franks and J. H. C. Bryan, are hereby appointed commissioners of said town of Trenton until the regular election provided in this act."

The amendment prevailed and the bill passed second time. The bill was then read and passed third time.

A bill to be entitled an act to incorporate the Cape Fear Council of the Patrons of Husbandry. Referred to the Committee on Judiciary.

S. B. No. 569, H. B. No. 419: A bill to be entitled an act for the better protection of sheep in Jackson and other counties. The bill was read second time.

Mr. Love moved to amend by inserting the words "Cherokee, Graham and Swain," before the word "Jackson." The amendment prevailed and the bill passed second time. The bill was then read and passed third time.

S. B. No. 498, H. B. No. 406: A bill to be entitled an act



to lay off and improve the public road leading from Wilkesboro' in the county of Wilkes, to Taylorsville in the county of Alexander. The bill was read second time, the amendments proposed by the Committee on Corporation prevailed and the bill passed second time. The bill was then read and passed third time.

S. B. No. 627, H. B. No. 521: A bill to be entitled an act to incorporate the town of Cerro Gordo. Read and passed second time. Yeas 28; nays none.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Ransom, Scott, Seymour, Stafford, Troy, Walker and Welch—28.

*Nays*—None.

S. B. No. 605: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax. Read and passed second time. Yeas 31; nays 3.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Hill, Hollomon, Horton, Johnston, Love, Mabson, McCauley, McCotter, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—31.

*Nays*—Messrs. Eppes, Hyman and McCabe—3.

S. B. No. 578: A bill to be entitled an act to incorporate the town of Elizabethtown in the county of Bladen. Read and passed second time. Yeas 27; nays 8.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Davis, Ellis of Columbus, Hill, Horton, Jonston, Love, Mabson, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Powell, Scott, Seymour, Stafford, Troy, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Eppes, Grandy, Gudger, Holloman, Long, McCabe, McCotter and Price—8.

S. B. No. 557, H. B. No. 221: A bill to be entitled an act

to authorize the town of Newton to take stock in Railroads and for other purposes. Read and passed second time. Yeas 29; nays 4.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Hill, Holloman, Horton, Johnston, Long, Love, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Powell, Ransom, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Yeas*—Messrs. Allen, Cowles, Mabson and Seymour—4.

S. B. No. 566, H. B. No. 411; A bill to be entitled an act to incorporate the town of Winton, in the county of Hertford. Read and passed third time. Yeas 31; nays 2.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Hill, Holloman, Humphrey, Hyman, King, Mabson, McCabe, McCotter, Morehead of Guilford, Murphy, Murray, Nicholson, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—31.

*Nays*—Messrs. Cowles and Love—2.

S. B. No. 516, H. B. No. 260: A bill to be entitled an act to amend the act entitled an act for the better government of the town of Wadesboro, in Anson county, being chapter 75 of the acts of 1825. Read and passed third time. Yeas 27; nays 3.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Hill, Holloman, Hyman, Johnston, Long, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Ransom, Scott, Stafford, Todd, Walker, Welch and Worth—27.

*Nays*—Messrs. Cowles, King and Love—3.

S. B. No. 443, H. B. No. 214: A bill to be entitled an act to authorize the commissioners of Polk county to levy a special tax. Read and passed third time. Yeas 28; nays 5.

*Yeas*—Messrs. Avera, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill,



Holloman, Hyman, Johnston, King, Mabson, McCabe, Miller, Morehead of Guilford, Murray, Nicholson, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—28.

*Nays*—Messrs. Cowles, Long, Love, McCotter and Morehead of Rockingham—5.

S. B. No. 335: A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds. Read and passed third times. Yeas 27; nays 5.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Davis, Ellis of Columbus, Grandy, Hill, Holloman, Humphrey, Johnston, King, Long, McCabe, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Cowles, Love, Morehead of Rockingham, Nicholson, and Powell—5.

S. B. No. 570: A bill to be entitled an act for the prevention of cruelty to animals. Read second time and rejected. Yeas 14; nays 20.

*Yeas*—Messrs. Cramer, Davis, Ellis of Columbus, Grandy, Horton, Johnston, King, Morehead of Rockingham, Murray, Powell, Ransom, Seymour, Smith and Troy—14.

*Nays*—Messrs. Allen, Avera, Cowles, Cunningham, Ellis of Catawba, Holloman, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Murphy, Nicholson, Price, Todd, Walker, Waring and Worth—20.

Mr. Scott by consent introduced a resolution in favor of J. I. Moore, sheriff of Granville county, which was referred to the Committee on Judiciary.

Mr. Price by consent reported that the Committee on Corporations had examined a bill to be entitled an act to incorporate the Wilmington Cotton Mills, and recommended its passage.

The following named bills were read and passed second and third times, under a suspension of the rules:

S. B. No. 528, H. B. No. 382: A bill to be entitled an act to prevent the selling or giving away of intoxicating liquors

within two miles of Turkey Creek Camp Ground, in Buncombe county and for other purposes.

S. B. No. 336: A bill to be entitled an act to incorporate the town of Leaksville, Rockingham county.

S. B. No. 546, H. B. No. 434: A bill to be entitled an act to extend the corporate limits of the town of Wilson.

S. B. No. 550, H. B. No. 433: A bill to be entitled an act to amend section 3 of an act concerning Clover Hill Camp Ground, &c., and section 3 of an act concerning Sharon Camp Ground, &c.

S. B. No. 505, H. B. No. 259: A bill to be entitled an act to change the corporate limits of the town of Rockingham, in Richmond county.

S. B. No. 558, H. B. No. 290: A bill to be entitled an act to incorporate Union Camp Ground, in McDowell county.

A bill to be entitled an act to incorporate the Wilmington Cotton Mills.

S. B. No. 565, H. B. No. 255: A bill to be entitled an act to secure the better drainage of the low lands of Clark's and Maiden's Creeks, in the counties of Lincoln and Catawba.

S. B. No. 632, H. B. No. 377: A bill to be entitled an act in relation to taking or shooting mountain trout in the waters of Elk river and tributaries, in the counties of Mitchell and Watauga.

S. B. No. 573, H. B. No. 253: A bill to be entitled an act to legalize the acts of the commissioners of Watauga county.

S. B. No. 574, H. B. No. 401: A bill to be entitled an act to incorporate the town of Saratoga, in the county of Wilson.

S. B. No. 588: A bill to be entitled an act in relation to the town of Clayton, in the county of Johnston.

S. B. No. 589: A bill to be entitled an act to amend chapter 197, laws of 1858-'59.

S. B. No. 595: A bill to be entitled an act to amend chapter 254, laws of 1870-'71.

S. B. No. 596: A bill to be entitled an act to incorporate



the trustees of the Halifax Educational Association, in Halifax county.

Mr. Cramer moved that the Senate do now adjourn.

The yeas and nays were ordered on demand of Mr. Price, and the Senate refused to adjourn. Yeas 9; nays 25.

*Yeas*—Messrs. Cramer, Horton, Johnston, King, McCabe, Powell, Seymour, Smith and Walker—9.

*Nays*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Ellis of Columbus, Eppes, Grandy, Gudger, Holloman, Long, Love, McCauley, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Todd, Troy, Waring, Welch and Worth—25.

It was ordered that all bills to be enrolled be forthwith enrolled, and all matter for engrossment be forthwith engrossed and transmitted to the House of Representatives for concurrence.

S. B. No. 572: A bill to be entitled an act for the better government of the Penitentiary, was taken up. The bill was read second time.

Mr. Troy moved to amend by inserting after the word "behavior" in line 19, section 16, the words:

"And for every ten days he shall thus become entitled to he shall have a further reward of one dollar placed to his credit with the warden, to be paid to him on his discharge or sent to his family, as he may elect; and for every five dollars of commutation, he shall be entitled to five additional days diminution."

On motion, the Senate adjourned.

## FIFTY-SIXTH DAY.

SENATE CHAMBER, February 11th, 1874.

Prayer by Rev. Mr. Mangum.

Journal of yesterday was read.

A message was sent to the House of Representatives asking for the return of S. B. No. 241, a bill to be entitled an act to adjust the State Debt, for further action thereon by the Senate.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Morehead, of Guilford, S. B. No. 396, H. B. No. 123: A bill to be entitled an act to amend chapter 197, laws of 1871-72, entitled an act to empower the Superior Court Judge to appoint a commissioner in certain cases for the settlement of estates, with a recommendation that it do not pass.

By Mr. Scott: Resolution in favor of James I. Moore, sheriff of Granville county, with a recommendation that it do pass.

On motion the rules were suspended and the resolution was read and passed second and third times.

By Mr. Price, S. B. No. 377: A bill to be entitled an act to make wagoners responsible for damage done by fire originating from their camps, with an amendment in the nature of a substitute.

By Mr. Grandy: A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank of Raleigh, with a recommendation that it do not pass.

On motion the bill was laid on the table.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No.



583: A bill to be entitled an act to amend the charter of Trinity College. To the Committee on Education.

H. B. No. 119: A bill to be entitled an act to amend chapter 167, laws of 1869-'70, entitled an act to pay the expenses of lunatics incurred by counties in certain cases. To the Committee on Propositions and Grievances.

H. B. No. 329: A bill to be entitled an act to provide a room for the Supreme Court Records. To the Committee on Propositions and Grievances.

H. B. No. 415: A bill to be entitled an act to prohibit the taking of tolls at Sandy Bottom, in Buncombe county. To the Committee on Propositions and Grievances.

H. B. No. 436: A bill to be entitled an act to authorize the commissioners of Bladen county to levy a special tax in the year 1874. To the Committee on Propositions and Grievances.

H. B. No. 489: A bill to be entitled an act for the better protection of sheep and and hog raising in the county of Martin. To the Committee on Agriculture.

H. B. 543: A bill to be entitled an act to allow county commissioners to contract for building turnpike roads. To the Committee on Judiciary.

H. B. No. 505: A bill to be entitled an act in regard to fees of sheriff and register of deeds. To the Committee on Propositions and Grievances.

H. B. No. 563: A bill to be entitled an act to empower the city of Wilmington to subscribe to the special stock of the Wilmington Seaside Railroad Company. To the Committee on Propositions and Grievances.

H. B. No. 568: A bill to be entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified 13th February 1853, and an act amendatory thereto, ratified 22d December, 1873. To the Committee on Corporations.

H. B. No. 569: A bill to be entitled an act to amend an act to incorporate the Seaboard and Raleigh Railroad Com-

pany, ratified 22d Dec. 1873. To the Committee on Internal Improvements.

H. B. No. 579: A bill to be entitled an act to allow the constable of Bingham Township, to collect arrearages of taxes. To the Committee on Propositions and Grievances.

By Mr. Troy: A bill to be entitled an act to provide for a better protection of fines, forfeitures and penalties. To the Committee on Judiciary.

Mr. Seymour introduced the following resolution which was read and adopted:

*Resolved*, that the reports of the Committee on the Judiciary on Senate Bills be made the special order for Thursday at 11½ A. M, and that the Clerk be instructed to make a special Calendar of the same."

Reports from standing committees were further submitted, by consent, as follows:

From Committee on Propositions and Grievances:

By Mr. Avera, H. B. No. 415: A bill to be entitled an act to prohibit the demanding of toll at Sandy Bottoms, in Buncombe county, with a recommendation that it do pass.

By Mr. Love, H. B. No. 329: A bill to provide a room for the Supreme Court Records, with a recommendation that it do pass.

H. B. No. 505: A bill to be entitled an act in regard to the fees of sheriff and register of deeds, with a recommendation that it do not pass.

H. B. No. 563: A bill to be entitled an act to empower the city of Wilmington to subscribe to the special stock of the Wilmington Seaside Railroad Company, with a recommendation that it do pass.

H. B. No. 579: A bill to be entitled an act to allow the constable of Bingham township to collect arrearages of taxes, with a recommendation that it do not pass.

H. B. No. 436: A bill to be entitled an act to authorize



the commissioners of Bladen county to levy a special tax in the year 1874, with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. Grandy : A bill to be entitled an act to provide for the better collection of fines, forfeitures and penalties, with a recommendation that it do pass.

Bills and resolutions were acted on under a suspension of the rules, as follows :

S. B. No. 611, H. B. 365 : A bill to be entitled an act in favor of the Marion and Asheville Turnpike. Made special order for to-morrow at 8 P. M.

S. B. No. 577, H. B. No. 368 : A bill to be entitled an act to prescribe the duties of the clerks of the Superior Courts and justices of the peace in relation to bills of cost. Read and passed second and third times.

S. B. No. 493 : A bill to be entitled an act to change the time of holding the Superior Courts in the Third Judicial District. The bill was read second time.

Mr. King moved to amend by striking out "Craven" and inserting "Lenoir," in line 9, section 1, and striking out "Lenoir" and inserting "Craven" in line 11, section 1. The amendment prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 614 : A bill to be entitled an act to establish a bureau of immigration, statistics and agriculture. The bill was read second time. The amendments proposed by the Committee on Agriculture prevailed.

Mr. Morehead of Guilford, moved to amend by inserting the name of John B. Gretta in the list of commissioners. The amendment prevailed, and the bill passed second time. The bill was read third time.

Mr. Gudger moved to amend by striking out the preamble, and by striking the Secretary of State from the list of commissioners. The amendment did not prevail.

Mr. Avera moved to amend by striking the State Geologist from the list of commissioners. The amendment did

not prevail, and the bill passed third time. Yeas 29; nays 14.

*Yeas*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Hill, Horton, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—29.

*Nays*—Messrs. Avera, Chamberlain, Eppes, Gudger, Holloman, Hyman, King, Love, Mabson, McCabe, McCauley, McCotter, Merrimon and Smith—14.

S. B. No. 518: A bill to be entitled an act concerning elections in this State. The bill was read third time.

Mr. Price moved to amend by adding to section 3 the words:

“That if the Governor shall refuse to issue his commission to any judge elect in this State as is provided by law, then it shall be the duty of any judge of this State to administer the oath of office to any such judge upon production of satisfactory evidence of his election.”

The yeas and nays were ordered on demand of Mr. Price, and the amendment prevailed. Yeas 25; nays 19.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Horton, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth—25.

*Nays*—Messrs. Chamberlain, Cramer, Eppes, Flemming, Grandy, Hill, Holloman, Hyman, Johnston, King, Long, Mabson, McCabe, McCotter, Ransom, Seymour, Smith, Walker and Welch—19.

Mr. Troy moved to amend by adding to section 12 the words:

*Provided*, That any elector shall be eligible as registrar



for their several townships in all such elections, and any provision of chapter 185, laws of 1871-'72, inconsistent with this proviso is hereby repealed."

The amendment prevailed.

Mr. Morehead of Rockingham, moved the previous question. The yeas and nays were ordered on demand of Mr. Seymour, and the Senate ordered the main question to be put. Yeas 26; nays 20.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—26.

*Nays*—Messrs. Chamberlain, Cramer, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—20.

The question then recurring on its passage, the bill passed third time. Yeas 21; nays 16.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Gudger, Horton, McCauley, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring, Welch and Worth—21.

*Nays*—Messrs. Cramer, Eppes, Grandy, Harris, Holloman, Hyman, Johnston, King, Long, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—16.

A bill to be entitled an act to amend an act entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company, ratified 3d March 1873. Read and passed second and third times. Yeas 32; nays 2.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Hill, Holloman, Hyman, Mabson, McCabe, Merrimon, Miller, Murphy, Murray, Nicholson Nor-

wood, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—32.

*Nays*—Messrs. McCauley and McCotter—2.

S. B. No. 377: A bill to be entitled an act to make wagoners responsible for damage done by fire originating from their camps. The bill was read second time. The amendment in the nature of a substitute, proposed by the Committee on Judiciary prevailed and the bill passed second time.

The bill was then read and passed third.

A bill to be entitled an act to amend an act entitled an act to incorporate the Oxford and Henderson Railroad Company. Read and passed second and third times.

S. B. No. 572: A bill to be entitled an act for the better government of the Penitentiary. Made special order for 8 P. M. to-day.

S. B. No. 611. H. B. No. 365: A bill to be entitled an act in favor of the contractors on the Marion and Asheville Turnpike. Made special order for 8 P. M. to-morrow.

S. B. No. 524: A bill to be entitled an act to establish the legal rate of interest in this State. Made special order for 11 A. M. to-morrow.

At 12 M. the Senate proceeded to consider the special order for that hour, to-wit: S. B. No. 602, H. B. No. 459, a bill to be entitled an act to raise revenue.

Sections 1 2 and 3, and sections 1 and 2 of Class I were severally read.

Section 3 of Class I was read.

Mr. Troy moved to amend by striking out "six" and inserting "eight" in line 1, and by striking out all after "convicts," in line 4, and inserting the words "and to a general prosecution of the work connected with the Penitentiary. The amendment prevailed.

Sections 1 and 2 of Class II, and sections 1, 2 and 3 of Schedule B were severally read.

Mr. Waring moved to amend by striking out the first two lines and inserting in lieu thereof the words:



"On every exhibition of a circus for each day and part of a day, two hundred and fifty dollars, and on a menagerie not connected with a circus, fifty dollars for each day or part of a day."

The amendment did not prevail.

Section 5 was read.

Mr. Love moved to amend by adding to the section the words:

"On every free pass, over any railroad in the State, issued to any State officer, or to any member of the General Assembly or to any officer of the same, five cents per mile, on each mile over which any such pass is used."

The amendment did not prevail.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were severally read.

Section 16 was read.

Mr. Cowles moved to amend by striking out in line 8, the words "twenty-five" and inserting the word "fifty." The yeas and nays were ordered, on demand and the amendment did not prevail. Yeas 13; nays 29.

*Yeas*—Messrs. Avera, Chamberlain, Cowles, Hill, King, Long, Love, Mabson, Merrimon, Miller, Murphy, Powell, Price and Welch—13.

*Nays*—Messrs. Barnhardt, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Harris, Horton, Hyman, Johnston, McCabe, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Ransom, Scott, Seymour, Smith, Stafford, Troy, Walker, Waring and Worth—29.

Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, of Schedule "B," and sections 1, 2, and 3 of Schedule "C" were severally read.

Section 4 was read.

Mr. Avera moved to amend by adding the words :

*“Provided, that mortgage deeds, deeds in trust, securing loans or other indebtedness in amount of one thousand dollars and under shall not be subject to any tax under this section.*

The amendment did not prevail.

Mr. Avera moved to amend by adding to the section the words :

*“Provided, that mortgage deeds, deeds in trust made to secure amounts not exceeding six hundred dollars shall not be subject to any tax under this section.”*

The yeas and nays were ordered, on demand, and the motion prevailed. Yeas 28 ; nays 16.

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Davis, Eppes, Flemming, Gudger, Harris, Hill, Holloman, Horton, Hyman, King, Love, Mabson, McCabe, Merrimon, Nicholson, Powell, Price, Scott, Seymour, Smith, Stafford, Waring, and Welch—28.

*Nays*—Messrs. Barnhardt, Cunningham, Ellis of Catawba, Ellis of Columbus, Johnston, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Todd, Troy, Walker and Worth—16.

Sections 5, 6, 7, 8 and 9 were severally read.

Mr. Morehead of Rockingham, moved to amend the bill by inserting the following as a new section :

“SECTION 10. That the Auditor of this State shall not make or cause to be made any heading or blanks to or on the forms which he is required to supply to the several counties of this State other than such as are required and are indispensably necessary under the provisions of this act. Nor shall any taxes be levied directly or indirectly by the said Auditor under any law heretofore passed to the contra-



ry notwithstanding, and if the Auditor shall be guilty of any violation of this section, he shall, on conviction, be punished in the discretion of the Court."

The yeas and nays were ordered, on demand of Mr. Waring, and the amendment prevailed. Yeas 41; nays 1.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Horton, Johnston, King, Long, Love, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring and Worth—41.

*Nays*—Mr. Chamberlain.

The question then recurring on its passage, the bill passed third time. Yeas 29; nays 16.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Columbus, Flemming, Gudger, Harris, Hyman, Johnston, Long, Love, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Ransom, Scott, Seymour, Todd, Troy, Walker, Welch and Worth—29.

*Nays*—Messrs. Cowles, Cramer, Ellis of Catawba, Eppes, Grandy, Hill, Holloman, Horton, Mabson, McCauley, Nicholson, Powell, Price, Smith, Stafford and Waring—16.

The following named acts and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to authorize the town of Hickory, in the county of Catawba, to issue bonds for the purpose of aiding the North Carolina Railway in extending their road, and for other purposes.

An act to incorporate Ramseytown Baptist Church, Yancey county.

An act to incorporate the village of King's Mountain, in the county of Cleaveland.

An act empowering the Board of Education for Davidson county to establish a teachers' institute or normal school.

An act to authorize the board of education of Randolph county to organize a teachers' institute.

An act to provide for and furnish arms to military schools.

An act to allow the commissioners of Duplin to levy a special tax.

An act to incorporate the town of Sanford, in the county of Moore.

An act to incorporate the town of Gold Hill, in Rowan county.

An act giving the Superior Court of Martin county concurrent jurisdiction with Bertie county over misdemeanors committed on Canine Island, Bertie county.

An act to authorize the county commissioners of Sampson county to levy a special tax.

An act to amend an act entitled an act to amend the charter of the city of Raleigh, ratified 23d of February, 1871.

An act to amend chapter 175, laws of 1868-'69.

An act supplemental to an act passed at the present session of the General Assembly regulating the times of holding the Courts of the Fourth Judicial District.

An act to incorporate Pythagoras Lodge, No. 6, A. Y. Masons, of the town of Smithfield.

An act to authorize the county commissioners of Stokes county to have the town lots of Danbury resurveyed.

Resolution in favor of the enrolling and engrossing clerks.

Resolution in favor of W. C. Thurston.

Resolution in regard to indexing the journals of the two Houses.

On motion, the Senate adjourned.



## EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 11, 1874.

Bills and resolutions were acted on, under a suspension of the rules, as follows :

S. B. No. 628, H. B. No. 496 : A bill to be entitled an act to incorporate the Pee Dee Manufacturing Company. The bill was read second time, the amendments proposed by the Committee on Corporations prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 505 : A bill to be entitled an act in regard to fees of sheriffs and registers of deeds. Laid on the table.

S. B. No. 621, H. B. No. 418 : A bill to be entitled an act for the relief of persons who have entered vacant lands in Cherokee, Clay and Graham counties. Read and passed second time.

H. B. No. 579 : A bill to be entitled an act to allow the constable of Bingham township to collect arrearages of taxes. Laid on the table.

S. B. No. 314, H. B. No. 36 : A bill to be entitled an act to change the line between the counties of Bladen and Columbus. The bill was read third time.

Mr. Troy offered sundry amendments, which prevailed, and the bill passed third time. Yeas 26 ; nays 16.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Flemming, Gudger, Horton, Love, McCauley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Scott, Stafford, Troy, Waring, Welch and Worth—26.

*Nays*—Messrs. Cramer, Eppes, Grandy, Hill, Holloman, Hyman, Johnston, King, Long, Mabson, McCabe, McCotter, Murphy, Seymour, Smith and Todd—16.

S. B. No. 603 : A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax. Read and passed third time. Yeas 37 ; nays 2.

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Grandy, Harris, Hill, Holloman, Jobuston, King, Long, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays*—Messrs. Eppes and Horion—2.

S. B. No. 557, H. B. No. 221 : A bill to be entitled an act to authorize the town of Newton to take stock in railroads, and for other purposes. Read and passed third time. Yeas 19 ; nays 8.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Holloman, Long, Miller, Murphy, Nicholson, Stafford, Todd, Welch and Worth—19.

*Nays*.—Messrs. Cramer, Horton, Hyman, King, Mabson, McCabe, McCotter and Seymour—8.

S. B. No. 578 : A bill to be entitled an act to incorporate the town of Elizabethtown, in the county of Bladen. Read and passed third time. Yeas 27 ; nays 8.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Harris, Hill, Holloman, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Norwood, Price, Scott, Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Cramer, Eppes, Gudger, Hyman, King, Long, McCabe and McCotter—8.

S. B. No. 627, H. B. No. 521 : A bill to be entitled an act to incorporate the town of Cerro Gordo. Read and passed third time. Yeas 29 ; nays 3.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Eppes, Gudger, Harris, Hill, Holloman, Long, Mabson, McCauley, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Ransom, Scott,



Seymour, Smith, Stafford, Todd, Walker, Waring, Welch and Worth—29.

*Nays*—Messrs. King, McCabe and Morehead of Rockingham—3.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives. H. B. No. 264: A bill to be entitled an act fixing the weight of packages containing salted fish, and for other purposes. To the Committee on Propositions and Grievances.

H. B. No. 112: A bill to be entitled an act to prohibit the sale of intoxicating liquors in Townships where the people so determine. To the Committee on Propositions and Grievances.

H. B. No. 268: A bill to be entitled an act concerning an act for the relief of Executors and Administrators, being chapter 59, laws of 1866-'67. To the Committee on Judiciary.

H. B. No. 319: A bill to be entitled an act in relation to the payment of costs by the State. To the Committee on Judiciary.

H. B. No. 405: A bill to be entitled an act to amend section 13, chapter 20, laws of 1868, section 13, chapter 27, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 393; A bill to be entitled an act to amend chapter 43, Private Laws of 1872-'73. To the Committee on Judiciary.

H. B. No. 384: A bill to be entitled an act to amend chapter 105, section 18, Battle's Revisal. To the Committee on Judiciary.

H. B. No. 347: A bill to be entitled an act to re-enact chapter 76 of the laws of 1870-'71. To the Committee on Judiciary.

H. B. No. 522: A bill to be entitled an act to incorporate the town of Shoe Heel in the county of Robeson. To the Committee on Corporations.

The following named bills were read and passed second and third times under a suspension of the rules:

H. B. No. 415: A bill to be entitled an act to prohibit the demanding of tolls at Sandy Bottom in Buncombe county.

H. B. No. 329: A bill to provide a room for the Supreme Court Records.

S. B. No. 633, H. B. No. 523: A bill to be entitled an act to charter the Jamesville and Washington Railroad and Lumber Company.

S. B. No. 625, H. B. No. 542: A bill to be entitled an act to amend an act entitled an act to incorporate Renno's Camp Ground and Locust Old Field Baptist Church.

S. B. No. 626: A bill to be entitled an act supplemental to an act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company.

S. B. No. 624, H. B. No. 517: A bill to be entitled an act to amend an act to amend the charter of the New River Canal Company.

S. B. No. 622, H. B. No. 477: A bill to be entitled an act to incorporate Harmony Hill Camp Ground in the county of Iredell.

S. B. No. 610, H. B. No. 578: A bill to be entitled an act to authorize the commissioners of Guilford county to sell the present jail site of the county and to purchase another and to erect a jail thereon.

S. B. No. 604: A bill to be entitled an act in relation to the county of Franklin.

S. B. No. 421: A bill to be entitled an act to amend an act passed at the present session, and for other purposes.

S. B. No. 382, H. B. No. 355: A bill to be entitled an act to incorporate Free Love Lodge, No. 1,469, Grand United Order of Odd Fellows.

Reports from standing committees were submitted, as follows:

From the Committee on Corporations:

By Mr. Price, H. B. No. 522: A bill to incorporate the



town of Shoe Heel in the county of Robeson, with a recommendation that it do pass.

From Committee on Claims:

S. B. No. 590: A bill to be entitled an act to pay Peter Adams mileage and per diem as a Senator in 1865, with accompanying amendment.

A message was received from the House of Representatives informing the Senate that that body had refused to concur in the amendments adopted by the Senate to S. B. No. 562, H. B. No. 76, a bill to be entitled an act to amend chapter 171, laws 1822-'23, and requesting a committee of conference thereon.

Also, another message transmitting a report from the Joint Select Committee on the expenditures of the Insane Asylum, with a proposition to print the same. The Senate concurred in the proposition to print.

At 8 P. M. the Senate proceeded to consider S. B. No. 572, a bill to be entitled an act for the better government of the Penitentiary.

The question recurring on the amendment offered by Mr. Troy, the yeas and nays were ordered, on demand of Mr. Waring, and the amendment prevailed. Yeas 31 : nays 9.

*Yeas*—Messrs. Barnhardt, Cowles, Cramer, Davis, Ellis of Columbus, Eppes, Flemming, Grandy, Harris, Hill, Hyman, King, Long, Love, Mabson, McCabe, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Scott, Seymour, Smith, Stafford, Troy, Walker, Welch and Worth—31.

*Nays*—Messrs. Allen, Avera, Cunningham, Ellis of Catawba, Gudger, Horton, McCauley, Miller, Todd and Waring—9.

Sundry amendments were offered by Messrs. Troy and Love, which prevailed, and the bill passed second time. Yeas 20 ; nays 16.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Ellis of Columbus, Eppes, Harris, Hyman, Love, McCabe, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Scott, Seymour, Todd, Troy, Walker and Worth—20.

*Nays*—Messrs. Cramer, Cunningham, Davis, Ellis of Catawba, Grandy, Gudger, Hill, Horton, Johnston, McCauley, Morehead of Guilford, Nicholson, Powell, Smith, Waring and Welch—16.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

Amendments to S. B. No. 342, H. B. No. 52: A bill to be entitled an act to incorporate the Brunswick Bridge and Ferry Company.

S. B. No. 462: A bill to be entitled an act to amend an act entitled an act to incorporate The Falls of Neuse Manufacturing Company.

S. R. No. 252: Resolution appointing J. Turner Morehead a member of the Board of Public Charities.

S. R. No. 563: Resolution in favor of Samuel Cabe.

S. B. No. 509: A bill to be entitled an act to amend the charter of Edenton, Chowan county.

S. R. No. 606: A bill to be entitled an act to re-enact sections 24 and 25, of chapter 32 of the Revised Code.

Amendments to S. B. No. 562, H. B. No. 76, a bill to be entitled an act to prohibit the sale of intoxicating liquors in certain localities.

S. B. No. 588: A bill to be entitled an act in relation to the town of Clayton, in the county of Johnston.

S. B. No. 523: A bill to be entitled an act to incorporate the Watch Tower Publishing Company.

S. B. No. 539 A bill to be entitled an act to incorporate the Western North Carolina Land Company.

S. B. No. 596: A bill to be entitled an act to incorporate the trustees of the Halifax Educational Association, in Halifax county.

S. B. No. 637: A bill to be entitled an act to incorporate the Wilmington Cotton Mills.

S. B. No. 509: A bill to be entitled an act to amend chapter 197, laws of 1858-'59.



S. B. No. 595 : A bill to be entitled an act to amend chapter 254, laws of 1870-71.

Amendments to S. B. No. 569, H. B. No. 419: A bill to be entitled an act for the better protection of sheep in Jackson and other counties.

S. B. No. 536 : A bill to be entitled an act to incorporate the town of Leaksville, in Rockingham county.

Amendments to S. B. No. 518, H. B. No. 193, a bill to be entitled an act concerning elections in this State.

S. R. No. 641 : Resolution in favor of James I. Moore, sheriff of Granville county.

S. B. No. 614 : A bill to be entitled an act to establish a Bureau of Immigration, Statistics and Agriculture.

Amendments to S. B. No. 443, H. B. No. 214 : A bill to be entitled an act to authorize the commissioners of Polk county to levy a special tax.

Amendments to S. B. No. 551, H. B. No. 412 : A bill to be entitled an act to incorporate St. John's Lodge of Free and Accepted A. Y. Masons, of Greensboro North Carolina.

Amendments to S. B. No. 559, H. B. No. 452 : A bill to be entitled an act in relation to the town of Trenton in Jones county.

S. B. No. 335 : A bill to be entitled an act to authorize the commissioners of Washington county to issue bonds.

On motion, the Senate adjourned.

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## FIFTY-SEVENTH DAY.

SENATE CHAMBER, February 12th, 1874.

Journal of yesterday was read.

A message was sent to the House of Representatives informing that body that the Senate had concurred in the proposition to raise a committee of conference on S. B. No.

562, H. B. No. 76: A bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities, and designating Messrs. Ellis of Columbus, Cowles and King as the Senate branch of the committee.

Messrs. Powell and Chamberlain were added to the Committee on Enrolled Bills.

Mr. McCauley presented a petition from certain citizens of Sandy Ridge Township, Union county, praying to be created a body politic for the erection of a king line in respect to their own lands, which was referred to the Committee on Agriculture.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

By Mr. Scott, S. B. No. 532: A bill to be entitled an act defining what interests in real estate may be sold under execution, with a recommendation that it do pass.

By Mr. Flemming, H. B. No. 453: A bill to allow county commissioners to contract for building Turnpike Roads, with a recommendation that it do pass.

By Mr. Todd, S. B. No. 442, H. B. No. 269: A bill to be entitled an act to make valid certain divorce cases, with a recommendation that it do not pass. On motion, the bill was laid on the table.

S. B. No. 607: A bill to be entitled an act to allow sales of reversions on homesteads in certain cases, with a recommendation that it do pass.

By Mr. Seymour, S. B. No. 62: A bill to be entitled an act to amend title II, chapter 17, Code of Civil Procedure, Battle's Revisal, with an amendment in the nature of a substitute.

S. B. No. 376: A bill to be entitled an act to punish illegal marriages, with a recommendation that it do not pass.

S. B. No. 417: A bill to be entitled an act to amend an act ratified the 5th day of April, 1871, entitled an act to enable



aliens to take, hold and convey lands, with an amendment in the nature of a substitute.

S. B. No. 508: A bill to be entitled an act to change the time of holding Superior Courts in the counties of Warren and Johnston, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

From Committee on Propositions and Grievances:

By Mr. Avera, S. B. No. 617: A bill to be entitled an act to authorize B. F. Spence and Jonathan Edney to establish a turnpike across the Swamp at Old Lebanon Mills, in Camden county, with a recommendation that it do pass.

By Mr. Love, S. R. No. 377: Resolution in favor of the sheriff of Tyrrell county.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 276, H. B. No. 521: A bill to be entitled an act concerning elections of certain officers, with an amendment. The Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled.

Mr. McCauley introduced a bill to be entitled an act to incorporate the Union Agricultural Association in the county of Union, which was read and passed first time and referred to the Committee on Agriculture.

The following named resolutions were introduced, read and disposed of, as follows:

By Mr. Flemming: Resolution in favor of immigration. Laid over under the rules.

By Mr. Troy: Resolution of instruction to the Attorney General. Adopted under a suspension of the rules.

Mr. Love introduced the following resolution:

*Resolved,* That the Attorney General be and he is hereby requested to inform the Senate whether in his opinion, the prohibitions found in section 10 of an act entitled an act to amend the charter of the North Carolina Railroad Company, and for other purposes therein mentioned, and found

between the word "places," and the words "and the bonds," found in said section, are or are not constitutional.

The resolution was read. The yeas and nays were ordered on demand of Mr. Love, and the resolution was rejected. Yeas 21; nays 25.

*Yeas*—Messrs. Cramer, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith, Walker and Welch—21.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—25.

Mr. Cowles moved to reconsider the vote just had, and to lay that motion on the table, the yeas and nays were ordered on demand of Mr. Gudger, and the motion to lay on the table prevailed. Yeas 23; nays 22.

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cunningham, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—23.

*Nays*—Messrs. Avera, Cramer, Ellis of Catawba, Eppes, Grandy, Gudger, Harris, Hill, Holloman, Humphrey, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith, Walker and Welch—22.

Bills were acted on under a suspension of the rules, as follows:

S. B. No. 571: A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Savings Bank of Raleigh. Taken from the table and recommitted to the Committee on Corporations.

S. B. No. 251: A bill to be entitled an act to amend chapter 104, section 41, Battle's Revisal. Read and passed second and third times.



S. B. No. 340: A bill to be entitled an act to enlarge the Insane Asylum of North Carolina, and for the better government of the same. Made special order for 10:45 A. M. to-morrow.

S. B. No. 611, H. B. No. 365: A bill to be entitled an act in favor of the contractors on the Marion and Asheville Turnpike. Made special order for 11 A. M. to-morrow.

H. B. No. 563: A bill to be entitled an act to empower the city of Wilmington to subscribe to the special stock of the Wilmington Seaside Railroad Company. Read and passed second time. Yeas 32; nays 5.

*Yeas*—Messrs. Avera, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Harris, Holloman, Hyman, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Ransom, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—32.

*Nays*—Messrs. Barnhardt, Eppes, Gudger, Johnston and King—5.

S. B. No. 618: A bill to be entitled an act to amend section 14, chapter 105 of Battle's Revisal. The bill was read second time, the amendment proposed by the Committee on Judiciary prevailed and the bill passed second time.

The bill was then read and passed third time. Yeas 33; nays 3.

*Yeas*—Messrs. Avera, Barnhardt, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Harris, Hill, Hyman, Johnston, Long, Love, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Murphy, Nicholson, Norwood, Powell, Price, Scott, Seymour, Stafford, Todd, Troy, Waring, Welch and Worth—33.

*Nays*—Messrs. Hollomon, King and Ransom—3.

The following named acts and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to secure a better drainage of the low lands of

Clark's Creek and Maiden's Creek in the counties of Lincoln and Catawba.

Resolution allowing R. B. Creecy and S. D. Pool access to the public records for certain purposes.

An act to prevent the selling or giving away intoxicating liquors within two miles of Turkey Creek Camp Ground in Buncombe county and for other purposes.

An act to incorporate the town of Saratoga in the county of Wilson.

An act in relation to taking or shooting mountain trout in the waters of Elk River and its tributaries in the counties of Mitchell and Watauga.

An act to amend chapter 193, laws of 1872-'73.

An act in reference to inspectors in the city of Wilming-

An act to amend section 3, of an act concerning Clover Hill Camp Ground &c., and section 3 of an act concerning Sharon Camp Ground, &c.

An act to amend an act entitled an act for the better government of Wadesboro' in Anson county, chapter 75 acts of 1825.

An act to amend chapter 27, Battle's Revisal, entitled counties and county commissioners.

An act to repeal section 19, chapter 112, Battle's Revisal. and to amend said chapter.

An act to legalize the acts of the Commissioners of Watauga county.

An act to incorporate the Union Camp Ground in Crooked Creek Township, in the county of McDowell.

An act to extend the corporate limits of the town of Wilson.

An act to incorporate Sandy Cross Colored Farmers' Mutual Aid Society of Gates county.

An act to incorporate the Raleigh Warehouse and Trust Company.

An act to change the corporate limits of the town of Rockingham, in the county of Richmond.



An act to incorporate the town of Winton, in the county of Hertford.

An act to amend chapter 90, laws of 1872-'73.

Resolution authorizing the Governor to withdraw the suit now pending in the Supreme Court of the U. S.

The following named bills and amendments reported as correctly engrossed by the Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 578: A bill to be entitled an act to incorporate the town of Elizabethtown in the county of Bladen.

S. B. No. 377: A bill to be entitled an act concerning wagoners.

S. B. No. 643: A bill to be entitled an act to authorize Granville county to subscribe to the capital stock of the Granville Railroad Company.

S. B. No. 642: A bill to be entitled an act to amend an act entitled an act to incorporate the Oxford and Henderson Railroad Company.

Amendments to S. B. No. 313, H. B. No. 77 :<sup>a</sup>A bill to be entitled an act to change the line between the counties of Cumberland and Bladen.

S. B. No. 605: A bill to be entitled an act to authorize the commissioners of Franklin county to levy a special tax.

S. B. No. 604: A bill to be entitled an act in relation to the county of Franklin.

Amendments to S. B. No. 628, H. B. No. 496: A bill to be entitled an act to incorporate the Pee Dee Manufacturing Company.

Amendments to S. B. No. 602, H. B. No. 459, a bill to be entitled an act to raise revenue.

On motion, the Senate adjourned until 3 P. M.

## EVENING SESSION.

SENATE CHAMBER, 3 P. M., February 12th, 1874.

The Senate proceeded to consider S. B. No. 524: A bill to be entitled an act to establish the legal rate of interest in this State. The bill was read second time.

Mr. Cowles moved to amend by striking out the words "no interest shall be recoverable at law," wherever they occur, and inserting in lieu thereof the words "the contract shall be void."

The yeas and nays were ordered, on demand of Mr. Cowles, and the amendment did not prevail. Yeas 19; nays 20.

*Yeas*—Messrs. Allen, Chamberlain, Cowles, Cunningham, Davis, Flemming, Grandy, Horton, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Nicholson, Norwood, Price, Todd and Waring—19.

*Nays*—Messrs. Avera, Barnhardt, Ellis of Catawba, Ellis of Columbus, Eppes, Harris, Hill, Hyman, King, Long, Morehead of Rockingham, Murphy, Murray, Powell, Scott, Smith, Troy, Walker and Worth—20.

Mr. Worth moved to amend by striking out "ten per cent." and inserting "twelve per cent." as the legal rate of interest.

Mr. Morehead of Guilford, called for a division of the question.

The question then recurring on the motion to strike out, it was agreed to.

The question then recurring on the motion to insert "twelve per cent.," the yeas and nays were ordered, on demand, and the motion did not prevail. Yeas 10: nays 30.

*Yeas*—Messrs. Avera, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, King, Scott, Stafford, Troy and Worth—10.

*Nays*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Grandy, Hill, Holloman, Hor-



ton, Long, Mabson, McCabe, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Smith, Todd, Waring and Welch—30.

Mr. Morehead of Guilford moved to amend by inserting "eight per cent. as the legal rate of interest." The yeas and nays were ordered on demand, and the motion prevailed. Yeas 32; nays 8.

*Yeas*—Messrs. Allen, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Ellis of Catawba, Flemming, Grandy, Hill, Holloman, Horton, Long, Love, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Price, Ransom, Stafford, Todd, Troy, Waring, Welch and Worth—32.

*Nays*—Messrs. Avera, Ellis of Columbus, Eppes, Harris, Morehead of Rockingham, Powell, Scott and Walker—8.

Mr. Todd offered an amendment in the nature of a substitute.

The yeas and nays were ordered, on demand, and the amendment prevailed. Yeas 25; nays 19.

*Yeas*—Messrs. Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Gudger, Holloman, Horton, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Ransom, Todd, Waring and Welch—25.

*Nays*—Messrs. Avera, Barnhardt, Ellis of Columbus, Eppes, Harris, Hill, King, Long, Love, Mabson, Morehead of Rockingham, Murphy, Powell, Scott, Smith, Stafford, Troy, Walker and Worth—19.

Mr. Morehead of Guilford, moved to reconsider the motion just had. The motion prevailed.

Thereupon, Mr. Morehead of Guilford, moved to amend the original bill by inserting the following as an additional section:

SECTION —. All such clauses in any charter or act of incorporation heretofore passed by the General Assembly of

North Carolina, which permits any rate of interest greater than that allowed by the general law is hereby repealed.”

Mr. Troy moved to amend the amendment by adding thereto the words:

“But this act shall not be construed to apply to the charter of Building and Loan Associations.”

The amendment to the amendment did not prevail.

The question then recurring on the amendment offered by Mr. Morehead of Guilford, it prevailed.

The question then recurring on the amendment in the nature of a substitute, offered by Mr. Todd, it did not prevail.

The question then recurring on its passage, the bill passed second time. Yeas 26; nays 17.

*Yeas*—Messrs. Allen, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Gudger, Horton, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Price, Ransom, Seymour, Todd, Waring and Welch—26.

*Nays*—Messrs. Avera, Barnhardt, Ellis of Columbus, Eppes, Harris, Hyman, Love, Mabson, Morehead of Rockingham, Murphy, Powell, Scott, Smith, Stafford, Troy, Walker and Worth—17.

The further consideration of the bill was made special order for 1 P. M. to-morrow.

On motion, the Senate went into Executive Session.

The Senate setting in Executive Session having adjourned, on motion the Senate adjourned.



## FIFTY-EIGHTH DAY.

SENATE CHAMBER, February 13th, 1874.

Journal of yesterday was read.

Mr. Gudger presented a petition from citizens of Buncombe county asking prohibitory liquor law in five miles of the town of Asheville, which was referred to the Committee on Propositions and Grievances.

Mr. Grandy presented a petition from the citizens of Perquimans county praying for the passage of a law abolishing fences in their county, which was read.

Reports from standing committees were submitted, as follows:

From Committee on Judiciary:

S. B. No. 308: A bill to be entitled an act to change the Constitution of the State, with a request that the Committee be discharged from the further consideration thereof. The Committee was discharged.

S. B. No. 234: A bill to be entitled an act to amend the Constitution of the State of North Carolina, with a request that the Committee be discharged from the further consideration thereof. The Committee was discharged.

S. R. No. 316: Resolution to the Judiciary Committee, with a recommendation that no action be taken thereon.

By Mr. Seymour, S. B. No. 543, H. B. No. 443: A bill to be entitled an act to amend an act entitled an act to allow the transfer of certain causes pending in the late courts of equity in this State, with a recommendation that it do pass.

S. B. No. 423: A bill to be entitled an act to amend chap-39 and 26 of Battle's Revisal, with a request that the Committee be discharged from the further consideration thereof. The Committee was discharged.

S. B. No. 576, H. B. No. 479: A bill to be entitled an act to amend chapter 66, section 2, of public laws of 1869-'70, with a recommendation that it do pass.

S. B. No. 601: A bill to be entitled an act for the greater

security of human life, with an amendment in the nature of a substitute.

S. B. No. 384, H. B. No. 261 : A bill to be entitled an act to authorize the collection of arrearages of taxes in the town of Statesville, with a recommendation that it do not pass.

On motion, the bill was laid on the table.

From Committee on Agriculture :

By Mr. Norwood : A bill to be entitled an act to incorporate the Union Agricultural Association, in the county of Union, with a recommendation that it do pass.

From Committee on Corporations :

By Mr. Gudger, H. B. No. 568 : A bill to be entitled an act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified 13th of February, 1853, and an act amendatory thereto, ratified 22d December, 1873, with a recommendation that it do pass.

S. B. No. 631, H. B. No. 400 : A bill to be entitled an act to charter the Bank of Wilson, with a recommendation that it do pass.

From Committee on Education :

By Mr. Cunningham, H. B. No. 583 : A bill to be entitled an act to amend the charter of Trinity College, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 448, H. B. No. 605 : A bill to be entitled an act to repeal chapter 48, of Battle's Revisal, so far as Scotland Neck, in Halifax county is concerned, with an amendment. The Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

Also a message informing the Senate that the House of Representatives had passed S. B. No. 598, H. B. No. 610 : A bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code, with an amendment. The Senate concurred in the amendment and the bill was ordered to be enrolled for ratification.



Also, a message informing the Senate that the House of Representatives had passed S. B. No. 327, H. B. No. 360, a bill to be entitled an act in relation to the Western Division of the Western North Carolina Railroad, with an amendment. The Senate concurred in the amendment and the bill was ordered to be enrolled for ratification.

The following named bills and resolutions were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 413: A bill to be entitled an act to empower the county commissioners of Jones county to levy a special tax. To the Committee on Propositions and Grievances.

H. B. No. 540: A bill to be entitled an act to amend an act, passed at the present session, to incorporate the town of Lumberton. Placed on the Calendar.

H. B. No. 595: A bill to be entitled an act to amend an act entitled an act to incorporate the People's Building and Loan Association of Oxford. Placed on the Calendar.

H. B. No. 530: A bill to be entitled an act to amend section 18, chapter 14, Battle's Revisal. Placed on the Calendar.

H. B. No. 526: A bill to be entitled an act to extend the time for the tax collector of Cherokee county to settle the public taxes. Placed on the Calendar.

H. R. No. 113: Resolution in favor of the sheriff of Bladen county. Placed on the Calendar.

H. B. No. 417: A bill to be entitled an act to repeal all laws or clauses of laws, Public or Private, giving or dedicating, or purporting to give or dedicate any part of the Swamp Lands of the State to any Railroad or other corporation or company. To the Committee on Propositions and Grievances.

H. B. No. 520: A bill to be entitled an act to amend an act to charter the Scotland Neck and Weldon Railroad and Steamboat Company. Placed on the Calendar.

H. B. No. 627: A bill to be entitled an act to provide for

the printing and distribution of the acts concerning revenue. Placed on the Calendar.

H. B. No. 624: A bill to be entitled an act to authorize the Governor to employ counsel in certain cases. Placed on the Calendar.

H. B. No. 635: A bill to be entitled an act in regard to waiting upon the Supreme Court. To the Committee on Judiciary.

H. B. No. 640: A bill to be entitled an act to incorporate the Rocky Mount Mills. Placed on the Calendar.

H. B. No. 540: A bill to be entitled an act in favor of the North Carolina Institution for the Deaf and Dumb and the Blind. Placed on the Calendar.

H. B. No. 638: A bill to be entitled an act to incorporate the Wilmington and Roxboro Railroad Company. Placed on the Calendar.

By Mr. Miller: A bill to be entitled an act to repeal chapter 106 of the acts of the General Assembly, passed at its session, 1848-'49, and for other purposes. Placed on the Calendar.

H. B. No. 45: A bill to be entitled an act to organize, equip and discipline the militia of North Carolina. To the Committee on Military Affairs.

H. B. No. 362: A bill to be entitled an act to incorporate the Carolina Stock and Poultry Association. Placed on the Calendar.

H. B. No. 464: A bill to be entitled an act to amend an act entitled an act to incorporate the Mt. Airy and Central Railroad Company. Placed on the Calendar.

H. B. No. 397: A bill to be entitled an act concerning inspections in the city of Wilmington. Placed on the Calendar.

H. B. No. 656: A bill to be entitled an act to incorporate the Planters' Bank of Mount Airy. Placed on the Calendar.

H. B. No. 435: A bill to be entitled an act to amend chapter 116, laws of 1871-'72. Placed on the Calendar.



H. B. No. 591: A bill to be entitled an act to incorporate the Farmers, Mechanics and Laborers' Union Aid Association, of New Hanover county. Placed on the Calendar.

H. B. No. 636: A bill to be entitled an act to amend section 13, chapter 44, Battle's Revisal. Placed on the Calendar.

H. B. No. 502: A bill to be entitled an act to amend an act entitled an act to incorporate the Oriental Fish and Oyster Company, ratified 20th December, 1873. To the Committee on Propositions and Grievances.

Mr. Scott moved to suspend the rules and take up S. B. No. 601, H. B. No. 482, a bill to be entitled an act in relation to the First Judicial District and for other purposes.

The yeas and nays were ordered, on demand of Mr. Allen, and the motion prevailed. Yeas 26; nays 15.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Chamberlain, Cunningham, Davis, Ellis of Columbus, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—26.

*Nays*—Messrs. Cowles, Cramer, Grandy, Gudger, Hill, Holloman, Hyman, Johnston, Long, Love, Mabson, McCabe, McCotter, Ransom and Smith—15.

The bill was read second time.

Mr. Scott moved to amend by striking out in section 2, lines 6 and 7, the words "first Monday in March and October," and inserting the words "the eighth Monday after the third Monday in February and September," and by striking out after the word "county," in line 8, the words "third Monday in March and October," and inserting the words "first Monday in February and September." The amendment prevailed.

Mr. Cowles moved to amend by striking Hertford county from the second district and inserting the same in the first district.

The yeas and nays were ordered, on demand, and the amendment did not prevail. Yeas 20; nays 23.

*Yeas*—Messrs. Avera, Chamberlain, Cowles, Cramer, Eppes, Grandy, Hill, Holloman, Horton, Hyman, Johnston, King, Long, Love, McCabe, McCotter, Ransom, Seymour, Smith and Walker—20.

*Nays*—Messrs. Allen, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—24.

Mr. McCabe moved to amend by striking out "Tyrrell and Hyde."

The yeas and nays were ordered on demand of Mr. McCabe, and the amendment did not prevail. Yeas 18; nays 27.

*Yeas*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Hill, Holloman, Hyman, Johnston, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—18.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—27.

The bill then passed second time. Yeas 23; nays 19.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Welch—23.

*Nays*—Messrs. Chamberlain, Cowles, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Merrimon, Ransom, Seymour and Smith—19.

Mr. Morehead of Guilford moved that the rules be suspended and the bill put upon its third reading.



The yeas and nays were ordered, on demand, and the motion prevailed. Yeas 26; nays 19.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring, Welch and Worth—26.

*Nays*—Messrs. Chamberlain, Cowles, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—19.

The bill was read third time.

Mr. Grandy moved to amend by adding to section 1 the words :

*“Provided, that this law shall not go into effect until ratified by a majority of the qualified voters of the proposed new district.”*

Mr. Scott moved the previous question.

The yeas and nays were ordered, on demand of Mr. Seymour, and the Senate ordered the main question to be put. Yeas 25; nays 18.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Waring and Worth—25.

*Nays*—Messrs. Chamberlain, Cowles, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Johnston, King, Long, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—18.

The question then recurring on the amendment offered by Mr. Grandy, the yeas and nays were ordered, on demand, and the amendment did not prevail. Yeas 18; nays 25.

*Yeas*—Messrs. Chamberlain, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Ransom, Seymour, Smith and Walker—18.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—25.

The question then recurring on its passage, the bill passed third time. Yeas 23; nays 20.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Waring, Welch and Worth—23.

*Nays*—Messrs. Chamberlain, Cowles, Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCotter, Merrimon, Ransom, Seymour, Smith and Walker—20.

S. B. No. 611: A bill to be entitled an act in favor of the contractors on the Marion and Asheville Turnpike, was, under a suspension of the rules, read and passed second and third times. Yeas 30; nays 10.

*Yeas*—Messrs. Avera, Chamberlain, Cowles, Ellis of Catawba, Eppes, Flemming, Gudger, Harris, Hill, Horton, Hyman, Love, Mabson, McCabe, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Todd, Troy, Walker, Welch and Worth—30.

*Nays*—Messrs. Barnhardt, Cramer, Cunningham, Ellis of Columbus, Johnston, King, McCauley, Morehead of Guilford, Powell and Waring—10.

The following named acts and resolution, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:



An act to incorporate the Brunswick Bridge and Ferry Company.

An act concerning elections of certain officers.

An act to provide a room for the Supreme Court Records.

An act to incorporate Harmony Hill Camp Ground, in the county of Iredell.

An act authorizing the town of Newton to take stock in Railroad Companies, and for other purposes.

An act to prescribe the duties of the clerks of the Superior Courts and justices of the peace in relation to bills of cost.

An act to authorize the county commissioners of Guilford county to sell the present jail lot to purchase another.

An act to amend an act entitled an act to incorporate Renno's Camp Ground and Locust Old Field Baptist Church.

An act to incorporate Free Love Lodge, No. 1,469, Grand United Odd Fellows, at the city of Wilmington.

An act to prohibit the demanding of tolls at Sandy Bottoms, in Buncombe county.

An act to amend an act to amend the charter of the New River Canal Company.

Resolution on adjournment.

An act for the better protection of sheep in Cherokee, Graham, Swain, Jackson and other counties.

An act to authorize the commissioners of Polk county to levy a special tax.

An act to incorporate the Lockville Cotton and Woolen Mills.

An act to appoint commissioners to lay off and improve the public road from Wilkesboro to Taylorsville.

An act to incorporate St. John's Lodge, No. 12, F. A. Y. M., Greensboro.

An act to incorporate the town of Trenton, in Jones county.

An act to amend an act chartering the Jamesville and Washington Railroad and Lumber Company.

On motion, the Senate adjourned.

## EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 13, 1874.

Bills were acted on under a suspension of the rules, as follows:

¶ [S. B. No. 621, H. B. No. 418: A bill to be entitled an act for the relief of persons who have entered vacant lands in Cherokee, Clay and Graham counties. Read and passed third time.

S. R. No. 377: Resolution in favor of the sheriff of Tyrrell county. The resolution was read second time, the amendments proposed by the Committee on Propositions and Grievances prevailed, and the resolution passed second time. The resolution was then read and passed third time.

S. R. No. 608: Resolution of instruction and request to North Carolina Senators and Representatives in Congress. The resolution was read.

Mr. Mabson moved to amend by adding the words "and to amend the act above referred to so as to include and place upon the pension rolls of the United States the names of all survivors of the Mexican war." The amendment prevailed and the resolution was adopted.

S. B. No. 499, H. B. No. 153: A bill to be entitled an act to repeal chapter 68, public laws of 1868-'69, and chapter 262, acts of 1870-'71. Recommitted to the Committee on Propositions and Grievances.

S. B. No. 662, H. B. No. 638: A bill to be entitled an act to incorporate the Wilmington, Raleigh and Roxboro Railroad Company. Read and passed second time. Yeas 36; nays 2.

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Flemming, Grandy, Hill, Holloman, Horton, Humphrey, Hyman, Long, Love, Mabson, McCabe, McCauley,<sup>d</sup> McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray,



Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Troy, Waring, Welch and Worth—36.

*Nays*—Messrs. Barnhardt and Seymour—2.

H. B. No. 563: A bill to be entitled an act to empower the city of Wilmington to subscribe to the special stock of the Wilmington Seaside Railroad Company. Read and passed third time. Yeas 32; nays 1.

*Yeas*—Messrs. Allen, Avera, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Hill, Holloman, Humphrey, Hyman, Love, Mabson, McCabe, McCauley, Merrimon, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Todd, Troy, Walker and Welch—32.

*Nays*—Mr. Barnhardt.

S. B. No. 646, H. B. No. 522: A bill to be entitled an act to incorporate the town of Shoe Heel, in the county of Robeson. Read and passed second time. Yeas 27; nays 4.

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Horton, Long, McCabe, McCotter, Merrimon, Murphy, Murray, Nicholson, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Cowles, Grandy, Holloman and Love—4.

S. B. No. 590: A bill to be entitled an act to pay Peter Adams mileage and per diem as Senator in 1864. Laid on the table.

S. B. No. 651, H. B. No. 362: A bill to be entitled an act to incorporate the Carolina Stock and Poultry Association. The bill was read second time.

Mr. Avera moved to amend by adding to section 9 the words:

“*Provided*, That any species of gambling within two miles of the same shall be punishable with fine not less than five hundred dollars, and imprisonment not less than one year.”

The amendment did not prevail, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 157, H. B. No. 61: A bill to entitled an act to amend chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal. The bill was read third time. The amendment in the nature of a substitute proposed by the Committee on Judiciary prevailed, and the bill passed third time.

S. B. No. 489: A bill to be entitled an act to regulate taxation in the incorporated cities and towns in this State. The bill was read second time. The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 601: A bill to be entitled an act for the greater security of human life. The bill was read second time. The amendment in the nature of a substitute proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time. The bill was then read and passed third time.

S. B. No. 572: A bill to be entitled an act for the better government of the Penitentiary. The bill was read third time.

Mr. Troy moved to amend by striking out all in section 1 after the word "Penitentiary," in line 3, and inserting the words:

"The Board of Directors are hereby authorized to issue their warrant upon the Treasurer, to be approved by the Governor, for an amount not to exceed eight thousand dollars per month, the same to be paid out of money appropriated for Penitentiary purposes, but not to exceed in aggregate that provided in the Revenue act."

The amendment prevailed.

Mr. Troy moved to amend by striking out in section 20 all after the word "architect," in line 5, and inserting the words:



“ At a salary not to exceed three thousand dollars per annum, and the chief warden shall be entitled to recommend for appointment the deputy warden ; all parts and clauses inconsistent with the provisions of this act are hereby repealed.”

The amendment prevailed.

Mr. Troy moved to amend further by adding to section 21 the words, “ and as a punishment for violation of prison discipline may withhold the same.” The amendment did not prevail.

Mr. Love moved to amend by striking out section 18. The yeas and nays were ordered on demand of Mr. Love, and the amendment did not prevail. Yeas 13 ; nays 27.

*Yeas*—Messrs. Avera, Cramer, Cunningham, Davis, Ellis of Catawba, Horton, Johnston, King, Love, Mabson, McCauley, Miller and Waring—13.

*Nays*—Messrs. Allen, Cowles, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Hyman, Long, McCabe, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Ransom, Seymour, Smith, Stafford, Todd, Troy, Walker and Welch—27.

The bill then passed third time. Yeas 24 ; nays 18.

*Yeas*—Messrs. Allen, Avera, Cowles, Ellis of Columbus, Eppes, Gudger, Harris, Hill, Hyman, King, Long, McCabe, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Todd, Troy, Walker and Worth—24.

*Nays*.—Messrs. Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Flemming, Grandy, Horton, Johnston, Love, Mabson, McCauley, McCotter, Morehead of Guilford, Ransom, Smith, Stafford and Waring—18.

S. B. No. 652, H. B. No. 530 : A bill to be entitled an act to amend section 18, chapter 14, Battle's Revisal. Read second time and rejected.

Reports from standing committees were submitted, as follows :

From Committee on Internal Improvements:

By Mr. Morehead of Rockingham, H. B. No. 569: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad Company, with a recommendation that it do pass.

From Committee on Judiciary :

By Mr. Todd, S. B. No. 650, H. B. No. 635: A bill to be entitled an act in regard to waiting upon the Supreme Court, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 189, H. B. No. 465, a bill to be entitled an act for the support, repairs and improvement, and payment of the debts of the Insane Asylum for the year 1874, with an amendment. The Senate concurred in the amendmet adopted by the House of Representatives and the bill was ordered to be enrolled.

Also, a message informing the Senate that the House of Representatives had passed S. R. No. 494, H. R. No. 141, resolution in favor of certain newspapers, with an amendment. The Senate concurred in the amendment adopted by the House of Representatives and the bill was ordered to be enrolled for ratification.

The following named bills and resolutions were introduced, read and passed first time and were referred or otherwise disposed of, as follows :

By Mr. Love: Resolution in reference to a manual of North Carolina. Placed on the Calendar.

By Mr. Hill: A bill to be entitled an act to amend an act entitled an act to incorporate the Brunswick Bridge and Ferry Company. Placed on the Calendar.

By message from the House of Representatives, H. B. No. 590: A bill to be entitled an act to incorporate the Machine and Car Company of Wilmington North Carolina. To the Committee on Corporations.

H. B. No. 558: A bill to be entitled an act to amend the



existing laws in regard to the Western Turnpike Road. To the Committee on corporations.

H. B. No. 278: A bill to be entitled an act to authorize the commissioners of the city of Raleigh to open a street across the property upon which the Governor's Mansion is situated. To the Committee on Propositions and Grievances.

The following named bills were read and passed second and third times under a suspension of the rules:

A bill to be entitled an act to amend an act entitled an act to incorporate the Brunswick Bridge and Ferry Company.

S. B. No. 650, H. B. No. 635: A bill to be entitled an act in regard to waiting upon the Supreme Court.

S. B. No. 476, H. B. No. 334: A bill to be entitled an act to cure certain irregular proceedings in the Probate Courts.

H. B. No. 569: A bill to be entitled an act to incorporate the Seaboard and Raleigh Railroad Company.

H. B. No. 421: A bill to be entitled an act to amend an act passed at the present session, and for other purposes.

S. B. No. 658, H. B. No. 640: A bill to be entitled an act to incorporate the Rocky Mount Mills.

S. B. No. 649, H. B. No. 568: A bill to be entitled an act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified 13th February 1855, and an act amendatory thereto, ratified 22d December 1873.

S. B. No. 631, H. B. No. 400: A bill to be entitled an act to charter the Bank of Wilson.

S. B. No. 617: A bill to be entitled an act authorizing B. F. Spencer and Jonathan Edney to establish a Turnpike across the Swamp at Old Lebanon Mill in Camden county.

Resolution in reference to a Manual of North Carolina.

S. R. No. 644, H. R. No. 113: Resolution in favor of the sheriff of Bladen county.

H. B. No. 393: A bill to be entitled an act to amend chapter 43 of Private Laws of 1872-'73.

S. B. No. 645, H. B. No. 543: A bill to be entitled an act

to allow county commissioners to contract for building turn-pike roads.

S. B. No. 668, H. B. No. 656: A bill to be entitled an act to incorporate the Planter's Bank of Mount Airy.

S. B. No. 671, H. B. No. 464: A bill to be entitled an act to amend an act entitled an act to incorporate the Mt. Airy and Central Railroad Company.

S. B. No. 667, H. B. No. 435: A bill to be entitled an act to amend chapter 116, laws of 1871-'72.

A bill to be entitled an act to provide for a better collection of fines, forfeitures and penalties.

S. B. No. 629, H. B. No. 450: A bill to be entitled an act to amend chapter 28, Private Laws of 1868-'69.

The following named bills, resolutions and amendments, reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence:

S. B. No. 251: A bill to be entitled an act to amend chapter 104, section 41 of Battle's Revisal.

S. B. No. 618: A bill to be entitled an act to amend chapter 104, section 14 of Battle's Revisal.

Resolution of instruction to the Attorney General.

Amendments to S. B. No. 600, H. B. No. 482, a bill to be entitled an act in reference to the First Judicial District and for other purposes.

S. R. No. 608: Resolution of instruction and request to North Carolina Senators and Representatives in Congress.

A bill to be entitled an act to amend an act to incorporate the Brunswick Bridge and Ferry Company.

S. B. No. 421: A bill to be entitled an act to amend an act passed during the present session and for other purposes.

S. R. No. 372: Resolution in favor of the Sheriff of Tyrrell county.

Resolution in reference to a Manual of North Carolina

On motion the Senate adjourned.



## FIFTY-NINTH DAY.

SENATE CHAMBER, February 14, 1874.

The Journal of yesterday was read.

Reports from standing committees were submitted as follows:

From the Committee on Military Affairs:

By Mr. Horton, S. B. No. 689, H. B. No. 43: A bill to be entitled an act to organize, equip and discipline the militia of the State, with a recommendation that it do pass.

S. R. No. 173, H. B. No. 58: Resolution of instruction to Senators and Representatives in Congress, with a recommendation that it be adopted.

From the Committee on Propositions and Grievances:

By Mr. Love, H. B. No. 278: A bill to authorize the Commissioners of the city of Raleigh to open a street across the property upon which the Governor's Mansion is situated, with a recommendation that it do pass.

S. B. No. 655, H. B. No. 417: A bill to be entitled an act to replace all laws, parts of laws, or clauses of laws, public or private, heretofore passed, giving or dedicating, or purporting to give or dedicate, any part of the swamp lands of the State to any railroad or other corporation or company, with a recommendation that it do pass.

S. B. No. 640: A bill to be entitled an act for the relief of Daniel Clancy, of Wake county, with a recommendation that it do not pass.

On motion, the bill was laid upon the table.

H. B. No. 112: A bill to be entitled an act to prohibit the sale of spirituous liquors in townships where the people so determine, with accompanying amendment.

S. B. No. 634, H. B. No. 457: A bill to be entitled an act for the relief of the sheriff of Alexander county, &c., with accompanying amendment.

S. B. No. 499, H. B. No. 153: A bill to be entitled an act to repeal chapter 68, public laws of 1868-'69, and chapter 262, acts of 1870-'71, with a recommendation that it do pass.

By Mr. Avera, S. B. No. 661, H. B. No. 502: A bill to be entitled an act to amend an act to incorporate the Oriental Fish and Oyster Company, ratified December 20th, 1873, with a recommendation that it do pass.

H. B. No. 264: A bill to be entitled an act fixing the weight of packages containing salted fish, and for other purposes, with a recommendation that it do pass.

On motion, the bill was made special order for 8 P. M. to-day.

From the Committee on Corporations:

By Mr. Gudger, H. B. No. 558: A bill to be entitled an act to amend the existing laws in regard to the Western Turnpike Road, with a recommendation that it do pass.

From the Committee on Claims:

By Mr. Troy, H. R. 111: Resolution in favor of Alexander Dawson and others.

A message was received from the House of Representatives informing the Senate that that body had adopted the report of the committee of conference on S. B. No. 562, H. B. No. 12: a bill to be entitled an act to amend chapter 171, laws of 1872-'73, entitled an act to prohibit the sale of intoxicating liquors in certain localities, and transmitting said report.

The Senate concurred in the report.

The following named bills were introduced, read and passed first time, and were referred, or otherwise disposed of, as follows:

By message from the House of Representatives, H. B. No. 83: A bill to be entitled an act to amend chapter 205 section 2, of Public Laws of 1870-71. To the Committee on Judiciary.

H. B. No. 504: A bill to be entitled an act to amend section 25, sub division 5, chapter 105, of Battle's Revisal. To the Committee on Judiciary.

S. B. No. 655: A bill to be entitled an act for the appointment of Commissioners of Deeds, &c., in foreign countries. Placed on the Calendar.

H. B. No. 205: A bill to be entitled an act to incorporate



the Industrial Association of Western North Carolina. Placed on the Calendar.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 111, H. B. No. 240 ; a bill to be entitled an act to give the county of Cumberland three terms of the Superior Court each year, and to regulate the time of holding the same, with an amendment in the nature of a substitute.

The question recurring on concurring in the amendment in the nature of a substitute adopted by the House of Representatives,

Mr. Troy moved to amend the same by inserting the following as section 2 :

“That the time for holding the Superior Courts in the county of Cumberland shall be the fourteenth Monday after the Second Monday in February and August respectively, said terms to continue for two weeks, unless the business be sooner disposed of.”

The amendment prevailed and the question recurring on concurring in the House amendments as amended, the Senate concurred.

Mr. Seymour offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed by the Chair, who shall examine the Calendar and report what bills should be first considered, and that upon their report the rules be suspended for the passage of the same according to their priority of number.”

The Chair designated Messrs. Seymour, Worth and Scott as the committee.

Mr. Powell introduced a resolution on adjournment, which was read and laid over under rules.

Mr. Seymour moved to reconsider the vote by which the

Senate concurred in the amendments adopted by the House of Representatives to S. B. No. 598, H. B. No. 600: a bill to be entitled an act to re-enact sections 5, 6 and 7, chapter 104, Revised Code. The motion prevailed.

\* The question then recurring on concurring in the amendment adopted by the House of Representatives, the Senate refused to concur, and the House was notified thereof by message.

Bills were acted on under a suspension of the rules as follows :

S. B. No. 654, H. B. No. 405 : A bill to be entitled an act to amend section 13, chapter 20, laws of 1868, section 13, chapter 27, Battle's Revisal. Read and passed second and third times.

S. B. No. 647, H. B. No. 413 : A bill to be entitled an act to empower the county commissioners of Jones county to levy a special tax. Read and passed second time. Yeas 29, naye 3.

*Yeas*—Messrs. Cramer, Cunningham, Davis, Ellis of Columbus, Grandy, Gudger, Hill, Horton, Humphrey, King, Mabson, McCabe, McCauley, Miller, Morehead of Rockingham, Murphy, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—29.

*Nays*—Messrs. Chamberlain, Hyman and Johnston—3.

S. B. No. 662, H. B. No. 638 : A bill to be entitled an act to incorporate the Wilmington, Raleigh and Roxboro Railroad Company. Read and passed third time. Yeas 41, nays 0.

*Yeas*—Messrs. Avera, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Eppes, Flemming, Grandy, Harris, Hill, Holloman, Horton, Humphrey, Hyman, Johnston, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—41.

S. B. No. 97 : A bill to be entitled an act to establish a



special criminal court in the city of Wilmington. Read second time and rejected. Yeas 13, nays 28.

*Yeas*—Messrs. Cramer, Eppes, Grandy, Harris, Hill, Holloman, Hyman, Johnston, Love, Mabson, McCabe, Seymour and Smith—13.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Flemming, Horton, Humphrey, King, McCanley, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—28.

S. B. No. 500, H. B. No. 171: A bill to be entitled an act to make final the jurisdiction of Justices of the Peace in certain cases.

The bill was read second time.

Mr. Morehead of Guilford, offered an amendment, in the nature of a substitute, which prevailed, and the bill passed second time.

The bill was read third time.

Mr. Gudger offered an amendment which did not prevail, and

Mr. Waring an amendment, which prevailed, and the bill passed third time. Yeas 23, nays 19.

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Flemming, Grandy, Holloman, Horton, Johnston, King, Long, McCabe, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Powell, Seymour, Smith, Walker and Waring—23.

*Nays*—Messrs. Allen, Cunningham, Davis, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, Love, Mabson, Merrimon, Morehead of Rockingham, Murphy, Norwood, Price, Scott, Todd, Troy and Worth—19.

Mr. Cowles moved to reconsider the vote just had.

The motion prevailed.

Mr. Cowles then moved to reconsider the vote by which the amendment offered by Mr. Waring was adopted.

The motion prevailed.

The question then recurring on the amendment, it was withdrawn by consent.

The question then recurring on its passage, the bill passed third time. Yeas 29; nays 14.

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cramer, Davis, Ellis of Catawba, Eppes, Grandy, Harris, Holloman, Horton, Hyman, King, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murray, Nicholson, Norwood, Powell, Seymour, Smith, Stafford, Walker and Waring—29.

*Nays*—Messr. Allen, Cunningham, Ellis of Columbus, Flemming, Gudger, Hill, Love, Mabson, Merrimon, Murphy, Price, Scott, Troy and Worth—14.

S. B. No. 672, H. B. No. 436: A bill to be entitled an act to authorize the commissioners of Bladen county to levy a special tax in the year 1874, read and passed second time. Yeas 24, nays 5.

*Yeas*—Messrs. Barnhardt, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Holloman, Horton, King, Long, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Powell, Ransom, Scott and Walker—24.

*Nays*—Messrs. Allen, Chamberlain, Cowles, Love, and Smith—5.

S. B. No. 646, H. B. No. 522: A bill to be entitled an act to incorporate the town of Shoe Heel, in Robeson county. Read and passed third time. Yeas 32, nays 0.

*Yeas*—Messrs. Barnhardt, Chamberlain, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Powell, Ransom, Seymour, Smith, Stafford Troy, Walker and Worth—32.

S. B. No. 673: A bill to be entitled an act to repeal chapter 106 of the act of the General Assembly passed at its session, 1848-'49. Read and passed second and third times.

S. B. No. 620: A bill to be entitled an act relating to the



Board of Public Charities. The bill was read second time. The amendments proposed by the committee prevailed and the bill passed second time. Yeas 22, nays 20.

*Yeas*—Messrs. Allen, Avera, Chamberlain, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hyman, McCabe, Merrimon, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Price, Scott, Seymour, Smith, Troy, Waring and Worth—22.

*Nays*—Messrs. Barnhardt, Cowles, Cramer, Cunningham, Grandy, Gudger, Hill, Holloman, Horton, Johnston, King, Love, Mabson, McCauley, McCotter, Miller, Ransom, Stafford, Todd and Walker—20.

Mr. Love moved that the Senate do now adjourn.

The yeas and nays were ordered, on demand, and the Senate refused to adjourn. Yeas 9, nays 30.

*Yeas*—Messrs. Chamberlain, Cramer, Grandy, Hill, Horton, Johnston, King, Love and Walker—9.

*Nays*—Messrs. Allen, Cowles, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Holloman, Hyman, Mabson, McCabe, McCauley, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Nicholson, Norwood, Scott, Seymour, Smith, Stafford, Todd, Troy, Waring and Worth—30.

The bill was read the third time.

Mr. Love moved to amend by striking out "five hundred," and inserting "five thousand," as the amount appropriated.

Mr. Grandy moved to amend by inserting the following as a new section :

"SECTION —. That this act shall not go into effect until it shall be ratified by a majority of the qualified voters of the State."

Mr. Morehead of Rockingham, moved the previous question, and the Senate ordered the main question to be put.

The question then recurring on the amendment offered by Mr. Grandy, the yeas and nays were ordered, on demand, and it did not prevail. Yeas 16, nays 28.

*Yeas*—Messrs. Cowles, Cramer, Cunningham, Ellis of Catawba, Eppes, Grandy, Hill, Holloman, Johnston, King, Love, Mabson, McCauley, McCotter, Powell and Ransom—16.

*Nays*—Messrs. Allen, Avera, Barnhardt, Davis, Ellis of Columbus, Flemming, Gudger, Harris, Horton, Hyman, Long, McCabe, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring and Worth—28.

Mr. Love moved that the Senate do now adjourn.

The Chair decided that the motion was not in order.

From the decision of the chair Mr. Love appealed to that of the Senate.

The Chair having put the question, "Shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were ordered, and it was decided in the affirmative, Yeas 32, nays 7.

*Yeas*—Messrs. Allen, Avera, Chamberlain, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Hill, Long, McCabe, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Seymour, Smith, Todd, Troy, Walker, Waring and Worth—32.

*Nays*—Messrs. Grandy, Holloman, Johnston, Love, Mabson, Merrimon and Ransom—7.

The question then recurring on the amendment offered by Mr. Love, to strike out "five hundred" and insert "five thousand," it did not prevail.

The question then recurring on the passage of the bill on its third reading, the bill was rejected. Yeas 22, nays 24.

*Yeas*—Messrs. Allen, Chamberlain, Ellis of Columbus, Eppes, Flemming, Harris, Horton, Hyman, McCabe, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Scott, Seymour, Smith, Troy, Waring and Worth—22.

*Nays*—Messrs. Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Grandy, Gudger, Hill, Holloman, Johnston,



King, Long, Love, Mabson, McCauley, McCotter, Merrimon, Miller, Nicholson, Ransom, Stafford, Todd and Walker—24.

S. B. No. 313, H. B. No. 75: A bill for the relief of such counties as have not received the compensation allowed by law for the support of lunatics. Read and passed second and third times.

The following named bills and resolutions, reported as correctly enrolled by the Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to amend an act entitled an act to repeal an act passed at the session of 1842-'43, entitled an act to amend an act for the better regulation of the town of Tarboro, in Edgecombe county, and for other purposes, being chapter 212, laws of 1846-'47, ratified 5th of January, 1847;

An act to provide for the collection of taxes by the State and the several counties of the State on property, polls and income, known as the Machinery Act;

An act in relation to the Western Division of the Western North Carolina Railroad;

An act to charter the Jamesville and Washington Railroad and Lumber Company;

An act in favor of servant to wait on Supreme Court;

An act for the better protection of the county bridge at Greenville, Pitt county, across Tar river;

Resolution in favor of the Fayetteville National Bank;

Resolution to amend a resolution in favor of the sheriff of Bladen county, ratified the 3d day of December, 1873;

An act to incorporate Piedmont Springs Company;

An act in favor of the contractors of the Marion and Asheville Turnpike;

An act to amend an act entitled an act to incorporate the Horse Ford Manufacturing Company, ratified the 11th day of February, 1873;

An act to incorporate the town of Cerro Gordo, in Columbus county;

An act to incorporate the town of Bush Hill, in Randolph county;

An act in reference to the First Judicial District, and for other purposes ;

An act to cure certain irregularities in the Probate courts ;

An act for the relief of persons who have entered vacant lands in Cherokee, Clay and Graham counties ;

An act to incorporate the Wilmington Cotton Mills ;

An act to incorporate the Pee Dee Manufacturing Company, in Richmond county ;

Resolution in favor of certain newspapers ;

An act to re-enact sections 5, 6 and 7, chapter 109, Revised Code ;

An act to change a portion of the dividing line between Cumberland and Bladen counties ;

An act concerning elections in this State ;

An act in relation to Scotland Neck ;

An act to amend chapter 60, section 15, laws of 1869-'70 ;

An act for the support, repairs and improvement and payment of the debts of the Insane Asylum for the year 1874.

Mr. King moved that the Senate do now adjourn until half-past seven, P. M.

The yeas and nays were ordered, on demand of Mr. McCabe, and the motion prevailed. Yeas 21, nays 19.

*Yeas*—Messrs. Avera, Barnhardt, Ellis of Catawba, Grandy, Holloman, King, Long, Love, McCauley, McCotter, Merrimon, Morehead of Guilford, Murray, Norwood, Ransom, Scott, Seymour, Stafford, Todd, Troy and Worth—21.

*Nays*—Messrs. Cowles, Cunningham, Davis, Ellis of Columbus, Eppes, Flemming, Gudger, Harris, Horton, Hyman, Johnston, Mabson, McCabe, Murphy, Nicholson, Powell, Smith and Waring—19.

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#### EVENING SESSION.

7½ P. M., SENATE CHAMBER, February 14, 1874.

Reports from standing committees were submitted as follows :



From the Committee on Corporations :

By Mr. Price, H. B. No. 590: A bill to be entitled an act to incorporate the Machine and Car Company, of Wilmington, with a recommendation that it do pass.

A message was received from the House of Representatives informing the Senate that that body had passed S. B. No. 493, H. B. No. 647, a bill to be entitled an act to change the time of holding the Superior Courts in the Third Judicial District, with an amendment.

The Senate concurred in the amendment adopted by the House of Representatives, and the bill was ordered to be enrolled for ratification.

The following named bills and resolutions were introduced read and passed first time and were referred or otherwise disposed of, as follows :

By Mr. Scott: Resolution in behalf of the Reading Clerks of the General Assembly. Placed on the Calendar.

By Mr. Humphrey: Resolution supplemental to a resolution authorizing the Governor to withdraw the suit now pending in the Supreme Court of the United States. Ratified 12th day of February, 1874. Placed on the Calendar.

By message from the House of Representatives, H. R. No. 159: Resolution to relieve Timothy F. Lee, sheriff of Wake county. Placed on the Calendar.

H. R. No. 163: Resolution in favor of Josiah Turner, Jr. Placed on the Calendar.

H. B. No. 668: A bill to be entitled an act to amend section 27 of chapter 97, Battle's Revisal. Placed on the Calendar.

Resolution in favor of the Principal Clerks. Placed on the Calendar.

H. B. No. 666: A bill to be entitled an act in relation to the bridge on Nantihala river. Placed on the Calendar.

H. B. No. 554: A bill to be entitled an act in relation to foreign insurance companies. Placed on the Calendar.

Bills and resolutions were acted on under a suspension of the rules, as follows :

S. B. No. 162, H. B. No. 85: A bill to be entitled an act to amend section 31, chapter 115, Public Laws of 1872-'73. Read and passed second and third times.

S. B. No. 49: A bill to be entitled an act to extend the time for registration of grants, deeds and other conveyances. Laid on the table.

S. B. No. 42: A bill to be entitled an act to amend chapter 37 of Battle's Revisal. Read and passed second and third times.

S. B. No. 284, H. B. No. 122: A bill to be entitled an act to repeal parts of chapter 250, laws of 1868-'69. Read and passed second and third times.

H. B. No. 278: A bill to be entitled an act to authorize the commissioners of the city of Raleigh to open a street across the property upon which the Governor's mansion is situated. Read and passed second and third times.

S. B. No. 238, H. B. No. 134: A bill to be entitled an act to repeal chap. 69 laws of 1870-'71. Read and passed second and third times.

S. B. No. 166, H. B. No. 92: A bill to be entitled an act to amend chapter 154 laws of 1872-'73, entitled an act to authorize the commissioners of Wilkes county to issue bonds. Read and passed second and third times.

S. B. No. 164, H. B. No. 51: A bill to be entitled an act to enable foreign guardians of infants and insane persons to remove the estates of their wards from this State. Read and passed second and third times.

H. B. No. 668: A bill to be entitled an act to amend section 27, of chapter 97, of Battle's Revisal. Read and passed second and third times.

S. B. No. 137, H. B. No. 34: A bill to be entitled an act to amend chapter 77, laws of 1871-'72. Read and passed second and third times.

S. B. No. 654, H. B. No. 623: A bill to be entitled an act to authorize the Governor to employ counsel in certain cases. Read and passed second and third times.



S. B. No. 634, H. B. No. 457: A bill to be entitled an act for the relief of the Sheriff of Alexander county. The bill was read second time. The amendments proposed by the Committee on Propositions and Grievances prevailed, and the bill passed second time.

The bill was then read and passed third time.

S. B. No. 663, H. B. No. 595: A bill to be entitled an act to amend an act entitled an act to incorporate the Peoples Building and Loan Association of Oxford. Read and passed second and third times.

H. B. No. 556: A bill to be entitled an act in relation to Foreign Insurance Companies. Read and passed second and third times.

Resolution in behalf of the reading clerks of the General Assembly. The resolution was read second time.

The yeas and nays were ordered, on demand of Mr. Welch, and the resolution passed second time. Yeas 19, nays 10.

*Yeas*.—Messrs. Davis, Ellis of Catawba, Ellis of Columbus, Eppes, Grandy, Gudger, Hill, Holloman, Horton, Humphrey, Long, McCabe, Miller, Murphy, Powell, Price, Ransom, Scott and Seymour—19.

*Nays*.—Messrs. Avera, Barnhardt, King Love, Morehead of Rockingham, Stafford, Todd, Troy, Welch and Waring—10.

The resolution was then read and passed third time.

H. R. No. 163: Resolution in favor of Josiah Turner, Jr. Read and passed second and third times. Yeas 32, nays 4.

*Yeas*.—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Davis, Ellis, of Catawba, Ellis of Columbus, Harris, Holloman, Horton, King, Long, Love, McCauley, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—32.

*Nays*.—Messrs. Grandy, Hill, McCabe and Ransom—4.

H. R. No. 159: Resolution to relieve Timothy F. Lee, sheriff of Wake county. Read and passed second and third times. Yeas 28, nays 11.

*Yeas*.—Messrs. Chamberlain, Cowles, Davis, Ellis of Ca-

tawba, Ellis of Columbus, Eppes, Grandy, Harris, Holloman, Horton, Humphrey, Johnston, King, Long, McCabe, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Norwood, Price, Ransom, Scott, Seymour, Walker, Waring and Welch—28.

*Nays*—Messrs. Avera, Barnhardt, Gudger, McCauley, Morehead of Guilford, Murray, Nicholson, Smith, Todd, Troy and Worth—11.

S. B. No. 151: A bill to be entitled an act concerning legal publications. Read second time and rejected. Yeas 13, nays 26.

*Yeas*—Messrs. Allen, Ellis of Catawba, Ellis of Columbus, Hill, McCauley, Morehead of Guilford, Murphy, Murray, Norwood, Seymour, Stafford, Walker and Waring—13.

*Nays*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Eppes, Flemming, Gudger, Harris, Holloman, Humphrey, Johnston, King, Long, Love, McCabe, McCotter, Merrimon, Miller, Nicholson, Powell, Price, Ransom, Scott, Todd, Troy and Welch—26.

H. B. No. 112: A bill to be entitled an act to prohibit the sale of spirituous liquors in townships where the people so determine. The bill was read second time.

The yeas and nays were ordered, on demand of Mr. Cowles, and the bill passed second time. Yeas 27, nays 9.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Ellis of Catawba, Ellis of Columbus, Flemming, Holloman, Horton, King, Long, Love, McCauley, McCotter, Merrimon, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Troy, Walker, Waring and Worth—27.

*Nays*—Messrs. Chamberlain, Cowles, Grandy, Gudger, Humphrey, Johnston, McCabe, Morehead of Guilford and Todd—9.

The bill was then read and passed the third time. Yeas 32, nays 10.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Davis, Ellis of Columbus, Flemming, Harris, Hill, Holloman, Horton, King, Long, Love, McCauley, McCotter, Merrimon, Miller, More-



head of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Troy, Walker, Waring, Welch and Worth—32.

*Nays*—Messrs. Chamberlain, Cowles, Grandy, Gudger, Humphrey, Johnston, McCabe, Morehead of Guilford, Smith and Todd—10.

H. B. No. 264: A bill to be entitled an act fixing the weight of packages containing salted fish and for other purposes. Read and passed second and third times. Yeas 26, nays 15.

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Ellis of Catawba, Ellis of Columbus, Gudger, Humphrey, King, Love, Chamberlain, Eppes, Flemming, Grandy, Hill, Horton, Johnston, McCabe, McCotter, Merrimon, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Stafford, Todd, Walker, Welch and Worth—26.

*Nays*—Messrs. Chamberlain, Eppes, Flemming, Grandy Hill, Horton, Johnston, Mabson, McCauley, Murphy, Ransom Scott, Seymour, Smith and Troy—15.

H. B. No. 554: A bill to be entitled an act to amend an act in relation to foreign insurance companies. Read and passed second and third times.

S. R. No. 148: Resolution in relation to the public library. Read and passed second and third times. Yeas 23, nays 13.

*Yeas*—Messrs. Avera, Chamberlain, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Harris, Hill, Holloman, Humphrey, King, Love, McCauley, Miller, Morehead of Rockingham, Norwood, Scott, Stafford, Todd, Walker, Waring, Welch and Worth—23.

*Nays*—Messrs. Barnhardt, Cowles, Gudger, Horton, Johnston, Long, McCabe, Murphy, Murray, Nicholson, Powell, Ransom and Troy—13.

S. B. No. 106: A bill to be entitled an act to amend section 16, chapter 1, title 4, Code of Civil Procedure, Battle's Revision. The bill was read second time.

Mr. Chamberlain moved that the bill lie upon the table.

The yeas and nays were ordered, on demand of Mr. Allen, and the motion to lay on the table prevailed. Yeas 22, nays 14.

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Ellis of Catawba, Grandy, Gudger, Holloman, Horton, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Rockingham, Powell, Ransom, Seymour, Stafford, Troy and Worth—22.

*Nays*.—Messrs. Allen, Davis, Ellis of Columbus, Flemming, Johnston, Merimon, Murphy, Nicholson, Norwood, Price, Scott, Todd, Walker and Waring—14.

Resolution supplemental to a resolution entitled a resolution authorizing the Governor to withdraw the suit now pending in the Supreme Court of the United States. Ratified the 12th day of February, 1874. Read and passed second and third times.

S. B. No. 643, H. B. No. 583: A bill to be entitled an act to amend the charter of Trinity College. Read and passed second and third times.

S. B. No. 499, H. B. No. 153: A bill to be entitled an act to repeal chapter 68 Public Laws of 1868-'69, and chapter 262 acts of 1870-'71. Laid on the table.

S. B. No. 256: A bill to be entitled an act to authorize the commissioners of Cabarrus county to sell the present jail, and for other purposes. Laid on the table.

S. B. No. 6: A bill to be entitled an act in relation to special terms of the Superior Courts. Read and passed third time.

S. B. No. 42: A bill to be entitled an act to amend chapter 37 of Battle's Revisal. Read and passed second and third times.

S. B. No. 269: A bill to be entitled an act to repeal sections 1 and 4, chapter 179, Public Laws of 1870-'71. Read and passed second and third times.

S. B. No. 309: A bill to be entitled an act amendatory to an act entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes. Read and passed second and third times.

Resolution in favor of the Principal Clerks. Read and passed second and third times.



The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed Bills, were transmitted to the House of Representatives for concurrence :

S. B. No. 601 : A bill to be entitled an act for the greater security of human life.

S. B. No. 489 : A bill to be entitled an act to regulate taxation in the incorporated cities and towns of this State.

S. B. No. 617 : A bill to be entitled an act to establish a turnpike across the swamp, at Old Lebanon Mills, in Camden county.

A bill to be entitled an act to amend the charter of the town of Tarboro.

S. B. No. 572 : A bill to be entitled an act for the government of the Penitentiary.

Amendment to H. B. No. 119 : A bill to be entitled an act to amend chapter 167, laws of 1869-'70.

Amendments to H. B. No. 543, S. B. No. 645 : A bill to be entitled an act to allow county commissioners to contract for building roads.

S. B. No. 673 : A bill to be entitled an act to repeal chapter 106 of the acts of the General Assembly passed at its session of 1848-'49, and for other purposes.

S. B. No. 6 : A bill to be entitled an act in relation to special terms of the Superior Courts.

S. B. No. 42 : A bill to be entitled an act to amend chapter 37 of Battle's Revisal.

S. R. No. 148 : Resolution in relation to the Public Library.

S. B. No. 269 : A bill to be entitled an act to repeal sections 1 and 4, chapter 179, Public Laws 1870-'71.

S. B. No. 409 : A bill to be entitled an act amendatory to an act entitled an act to authorize the mayor and commissioners of the town of Fayetteville to appoint a receiver of railroad taxes.

Resolution in favor of reading clerks.

On motion, the Senate adjourned.

## SIXTIETH DAY.

SENATE CHAMBER, February 16, 1874.

The Journal of Saturday was read.

The following named bills were introduced, read and passed first time, and were referred or otherwise disposed of, as follows :

By message from the House of Representatives, H. B. No. 499 : A bill to be entitled an act to re-enact sections 6 and 7, chapter 104, of the Revised Code. Placed on the calendar.

H. B. No. 381 : A bill to be entitled an act to repeal chapter 61, private laws of 1872-'73. Placed on the calendar.

H. R. No. 166 : Resolution in relation to the expense of sheriffs. Placed on the calendar.

H. B. No. 581 : A bill to be entitled an act to legalize the acts of the school trustees of Kernersville township, in Forsythe county. Placed on the calendar.

H. R. No. 151 : Resolution in favor of John Baxter, of Graham county. Placed on the calendar.

H. B. No. 559 : A bill to be entitled an act to amend section 8, chapter 105, Battle's Revisal. Placed on the calendar.

Resolution in favor of door-keepers. Placed on the calendar.

Bills and resolutions were acted on, under a suspension of the rules, as follows :

H. B. No. 540 : A bill to be entitled an act to incorporate the Machine and Car Company, of Wilmington. Read and passed second and third times.

H. B. No. 83 : A bill to be entitled an act to amend chapter 205, section 2, of public laws 1870-'71. Read and passed second and third times.

H. B. No. 504 : A bill to be entitled an act to amend section 25, sub-division 5, chapter 105, Battle's Revisal. Read and passed second and third times.

H. R. No. 166 : Resolution in relation to the expenses of sheriffs. Read and passed second and third times.

H. B. No. 581 : A bill to be entitled an act to legalize the acts of the school trustees of Kernersville township, Forsythe county. Read and passed second and third times.



H. R. No. 151: Resolution in favor of John Barker, of Graham county. Read and passed second and third times.

H. R. No. 111: Resolution in favor of Alexander Dawson and others. Read and passed second and third times.

Resolution in favor of immigration. Read and adopted.

H. B. No. 499: A bill to entitled an act to re-enact sections 6 and 7, chapter 104, of the Revised Code. Read and passed second and third times.

H. B. No. 381: A bill to be entitled an act to repeal chapter 61, Private Laws of 1872-'73. Read and passed second and third times.

S. B. No. 544, H. B. No. 443: A bill to be entitled an act to amend an act to allow the transfer of certain causes pending in the late courts of equity of this State. Read and passed second and third times.

S. B. No. 571: A bill to be entitled an act to amend an act entitled an act to incorporate the Oak City Pleasure Club, of Raleigh. The bill was read second time.

The amendments proposed by the Committee on Corporations prevailed, and the bill passed second time.

The bill was then read and passed third time.

S. B. No. 664, H. B. No. 540: A bill to be entitled an act to amend an act to incorporate the town of Lumberton. Read and passed second and third times.

S. B. No. 399, H. B. No. 234: A bill to be entitled an act to amend chapter 19, laws of 1872-'73. Read and passed second and third times.

S. B. No. 672, H. B. No. 436: A bill to be entitled an act to authorize the commissioners of Bladen county to levy a special tax. Read and passed third time. Yeas 22, nays 8.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Hill, Holloman, Humphrey, McCabe, Morehead of Rockingham, Murphy, Norwood, Powell, Price, Scott, Seymour, Stafford, Troy, Walker and Worth—22.

*Nays*—Messrs. Chamberlain, Cowles, Eppes, Gudger, Love, McCauley, Nicholson and Smith—8.

S. B. No. 647, H. B. No. 413: A bill to be entitled an act

to authorize the commissioners of Jones county to levy a special tax. Read and passed third time. Yeas 22, nays 9.

*Yeas*—Messrs. Avera, Barnhardt, Cramer, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Humphrey, Long, McCabe, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Troy, Walker and Worth—22.

*Nays*—Messrs. Allen, Chamberlain, Cowles, Eppes, Love, McCauley, Nicholson, Price and Smith—9.

Resolution in favor of Doorkeepers. The resolution was read.

Mr. Allen moved to amend so as to include the Pages, and to give to the Enrolling Clerk of the General Assembly and to the Engrossing Clerks an additional compensation of seventy-five dollars.

The amendment prevailed, and the resolution passed second time.

The resolution was then read and passed third time.

A message was received from the House of Representatives asking the concurrence of the Senate in the following resolution adopted by the House :

*“ Resolved, by the House of Representatives, the Senate concurring, That that portion of a resolution on adjournment fixing the hour of adjournment at 12 M., to-day, for a sine die adjournment be rescinded and the hour of 3 P. M. be fixed for the final adjournment of the General Assembly : Provided, that no legislation shall be had after 12 o'clock.”*

The resolution was read.

Mr. Merrimon moved to amend the resolution by adding thereto the words, “ except the ratification of acts and resolutions by the presiding officers.”

The amendment prevailed and the resolution was concurred in.

The following named bills, resolutions and amendments reported as correctly engrossed by Committee on Engrossed



bills, were transmitted to the House of Representatives for concurrence:

Amendments to resolution in favor of Doorkeepers.

Amendments to S. B. No. 634, H. B. No. 457: A bill to be entitled an act for the relief the Sheriff of Alexander county, &c,

S. B. No. 427: A bill to be entitled an act to amend chapter 71, laws of 1871-'72.

Resolution in favor of immigration.

Amendment to resolution on adjournment.

On motion the Senate adjourned until 2½ P. M.

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### EVENING SESSION.

2½ P. M. SENATE CHAMBER, February 16, 1874.

The following named bills, and resolutions, reported as correctly enrolled by Committee on Enrolled Bills, were duly ratified and transmitted to the office of the Secretary of State:

An act to raise revenue.

An act to allow the transfer of certain cases pending in the late courts of equity in this State.

An act to extend the time for taking out grants from the State.

An act to incorporate Leota Lodge in Columbia, Tyrrell county.

An act to amend chapter 77, laws of 1871-'72.

An act for the better security of human life.

An act to amend section 4, chapter 81, laws of 1870-71.

Resolution in favor of Principal Clerks.

An act to repeal certain portions of chapter 250, laws of 1868-'69, to prevent the hunting of wild fowl in Carteret and other counties.

An act to amend the charter of the town of Tarboro.

An act to amend an act entitled an act to incorporate Mount Airy Central Railroad Company.

An act to incorporate the town of Leaksville, in Rockingham county.

An act to amend an act in relation to foreign insurance companies, ratified December 20th, 1873.

An act to incorporate the town of Vandemeer, in Pamlico county.

An act in relation to the town of Clayton, in Johnston county.

An act to amend chapter 32 of the acts of Assembly known as Battle's Revisal, which chapter is entitled "Crimes and Punishments," and chapter 33, Battle's Revisal, entitled "Criminal Proceedings."

An act to authorize the commissioners of Franklin county to levy a special tax for the purpose of building a jail.

An act to amend an act entitled an act to incorporate the town of Ashboro', in Randolph county.

An act to amend section 27, chapter 97, Battle's Revisal, entitled "Public Printing."

An act to incorporate Justitia Lodge, No. 11, Knights of Pythias, of Goldsboro'.

An act to authorize the Governor to appoint commissioners of deeds, &c., in foreign countries.

An act to provide for the better collection of fines, forfeitures and penalties.

Resolution to relieve T. F. Lee, sheriff of Wake county.

Resolution in favor of the reading clerks of both Houses of the General Assembly.

An act fixing the weight of packages containing salted fish, and to require packers to stamp their names on each package shipped for sale.

An act to amend an act entitled an act to incorporate the People's Building and Loan Association, of Oxford, ratified the 29th day of January, 1872.

An act to amend an act passed during the present session of the General Assembly of North Carolina, entitled an act to amend an act to incorporate the town of Concord, Cabarrus county.



An act to amend section 14, chapter 105, Battle's Revisal.

An act to amend chapter 28, private laws of 1868-'69.

An act to amend chapter 116, laws of 1871-'72.

An act to incorporate the Halifax Educational Association, of Halifax county.

An act to enable foreign guardians of infants and persons of insane memory, to remove the estates of their wards from this State.

An act to amend the charter of Trinity College ;

An act to allow county commissioners to contract for building township roads ;

An act to amend an act entitled an act to amend an act entitled an act to incorporate the Greenville and French Broad Railroad Company, ratified the 13th of February, 1855, and an act amendatory thereto, ratified 22d of December, 1873 ;

Resolution supplemental to a resolution authorizing the Governor to withdraw the suit now pending in the Supreme Court of the United States, ratified 12th February, 1874 ;

An act to change the time of holding the Superior Courts in the Third Judicial District ;

An act to repeal an act to charter the Tennessee River Turnpike Company ;

An act to amend chapter 182, Public Laws of 1872-'73 ;

An act in relation to Franklin county ;

An act for the relief of such counties as have not received the compensation allowed by law for the support of lunatics ;

An act to incorporate the Cape Fear Cotton and Woolen Mills ;

An act to amend section 13, chapter 74, laws of 1872-'73, concerning the distribution of Battle's Revisal ;

An act to authorize the commissioners of the city of Raleigh to open a street through the south end of the lot upon which the Governor's mansion is now situated ;

An act to authorize the Governor to employ counsel in certain cases ;

An act to incorporate the town of Shoe Heel, in Robeson county ;

Resolution appointing J. Turner Morehead, of Rockingham, a member of the Board of Public Charities ;

An act to empower the city of Wilmington to subscribe to the special stock of the Wilmington and Seaside Railroad Company ;

An act to establish a bureau of statistics of immigration and agriculture ;

An act to amend an act to incorporate the Seaboard and Raleigh Railroad Company, ratified the 22d day of December, 1873 ;

Resolution in favor of Josiah Turner, Jr. ;

An act to amend section 31, chapter 115, Public Laws of 1872-'73 ;

An act to amend an act entitled an act to incorporate the Falls of Neuse Manufacturing Company, ratified the 5th day of January, 1872 ;

Resolution in relation to the expenses of sheriffs ;

Resolution in favor of the Doorkeepers of this General Assembly, and of certain other officers and employees ;

An act for the government of the penitentiary ;

An act to amend section 13, chapter 27, of Battle's Revisal ;

An act to repeal chapter 106 of the acts of the General Assembly passed at its session of 1848-'49, and for other purposes ;

An act to incorporate the Wilmington, Raleigh and Roxboro Railroad Company ;

An act in reference to courts in Martin and Bertie counties ;

An act to authorize the commissioners of Bladen county to levy a special tax in 1874 ;

Resolution in favor of John Rankin, of Graham county ;

An act to amend section 25, sub-division 5, chapter 105, of Battle's Revisal ;

An act to charter the Bank of Wilson.

An act concerning the annexation of a portion of the county of Beaufort to the county of Pamlico.

An act to incorporate the Carolina Stock and Poultry Association for the improvement of the breed of all domestic animals and poultry.



An act to incorporate the Rocky Mount Mills.

An act to amend section 2, chapter 61, laws of 1872-'73.

An act in relation to certain insane persons.

An act to amend an act to change the name of Boon Hill, in Johnston county, and to prohibit the sale of spirituous liquors therein.

An act for the relief of the sheriffs of Alexander and Watauga counties.

An act to amend chapter 104, section 41, of Battle's Revisal.

An act to amend chapter 197, laws of 1858-'59.

Resolution in relation to the public library.

Resolution of instruction to the Attorney General.

An act to legalize the acts of the school trustees of Kernersville township, in Forsythe county.

An act to incorporate the town of Elizabethtown, in the county of Bladen.

An act to incorporate Tokay Wine Company.

An act to authorize the county commissioners of Jones county to levy a special tax.

An act to incorporate the Machine and Car Company, of Wilmington.

An act to amend chapter 205, public laws of 1870-'71.

An act to incorporate the Mechanics and Laborers' Union Aid Association, of New Hanover.

An act to incorporate the Western N. C. Land Company.

An act to amend an act to consolidate the various acts heretofore passed to incorporate the town of Lumberton, in Robeson county.

An act to incorporate the Planters' Bank, of Mt. Airy.

Resolution in favor of Alex. Dawson and others.

An act concerning the purchase of public stationery.

An act to amend section 13, chapter 20, laws of 1868, (section 13, chapter 27, Battle's Revisal.)

An act to change the times of holding the courts in Cumberland county.

An act to amend chapter 154, laws of 1872-'73, entitled an

act to authorize the Commissioners of Wilkes county to issue bonds.

An act in favor of the North Carolina Institution for the Deaf and Dumb and the Blind.

An act to prohibit the sale of intoxicating liquors within two miles of the court house in Shelby.

An act to prohibit the sale of intoxicating liquors in townships where the people so determine.

An act to prohibit the sale of spirituous liquors in certain localities.

Mr. Seymour being in the Chair, the following resolutions, introduced by Mr. Norwood, were read and unanimously adopted :

*Resolved*, That the members of the Senate of North Carolina of the years 1872-'73 and 1873-'74, desire, before their final adjournment, to give form to their kind feelings and good wishes with regard to their presiding officer, Lieut. Gov. Brogden, who has for two sessions presided over their deliberations with equal good humor, good judgment and impartiality.

*Resolved*, That we further extend to the Clerks and other officers of this body our cordial appreciation of their prompt and efficient performance of their duties in their respective official positions.

*Resolved*, That we desire before finally separating, to express what every member of the Senate cannot have failed to feel, our sense of the friendly good-will and forbearance which have prevailed among Senators uniformly, without regard to sections or parties, and the heartfelt hopes which each of us will ever entertain for the well being of every brother Senator.

Thereupon the President having resumed the chair addressed the Senate as follows :

SENATORS :—This is probably the last time that I shall ever address you as the same body in this Chamber, as your legisla-



tion is now closed for your present term of service. I shall call the present Senate to order no more, and in the course of human events it is not probable that you will all ever meet here again as members of the Senate.

If I live to return here to my seat, as President of the Senate, on the third Monday of November next, it would be unreasonable to expect to meet all all the members of the present Senate in the next.

The unceasing and resistless tide of tide of time is hurrying us rapidly onward to that unseen and unknown destiny from whence no traveller returns. Our sojourn here is transitory, and we shall soon pass away and be forgotten. As public servants we shall be held accountable for our stewardship.

Various acts have been passed, and they must necessarily be subjected to the test of criticism and to the judgment of public opinion. If they are decided to be wise and necessary, you can reflect with pleasure in your retirement upon your legislative services. But whatever may be the decision of public opinion in relation to the wisdom and justice of your legislation, it will go before the great tribunal of the people, and it will pass into the history of the times in which we live.

Allow me, Senators, to say in parting with you, in the language of Cardinal Wolsey to Cromwell :

“Be just and fear not. Let all the ends thou aim'st at be thy country's, thy God's and truth's.”

And now, Senators, allow me to tender you my sincere thanks for the constant and uniform kindness and respect which you have shown to me as the presiding officer of this honorable body. I know that I have earnestly and faithfully endeavored on all occasions to discharge all my official duties fairly and impartially, and I can enjoy the gratification of believing that in making this acknowledgement I speak in accordance with the conscientious sentiments of each and every Senator.

We now part, and it may be, never to all meet again in this world. May peace be with you, and may continual health and prosperity attend you through life, and when you have

served the present age, and fulfilled your destiny on earth, may we all meet in that great "General Assembly and Church of the first born,"

"Where sickness and sorrow, pain and death,  
Are felt and feared no more."

Senators, I bid you all an affectionate farewell. This Senate stands adjourned without day.

C. H. BROGDEN,  
*President of the Senate.*

W. L. SAUNDERS, *Clerk.*





A P P E N D I X .



PROCEEDINGS

OF THE

EXECUTIVE SESSION

OF

SENATE OF NORTH CAROLINA.

SESSION OF 1873-'74.





# APPENDIX.

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## EXECUTIVE SESSION.

SENATE CHAMBER, January 22d, 1874.

The Senate having gone into Executive Session, the roll was called, and the following Senators answered to their names :

Messrs. Allen, Avera, Barnhardt, Chamberlain, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Holloman, Horton, Humphrey, Hyman, Johnston, Long, Love, Mabson, McCabe, McCauley, McCotter, Merrimon, Murphy, Nicholson, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Walker, Waring and Worth—38.

A quorum of the Senate being present,

On motion, the rules of order of the Senate were adopted for the government of the Senate in Executive Session.

The Chair announced a message from His Excellency, the Governor, nominating Isaac W. Rogers for Keeper of the Capitol.

The question recurring on the confirmation or rejection of the nomination, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Avera, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Hyman, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Troy, Walker and Worth—32.

*Nays*—Messrs. Allen, Barnhardt, Cowles, Horton, Merrimon, Nicholson, Todd and Waring—8.

Thereupon the Chair decided that a majority of all the Senators elect having voted in the affirmative, the appoint-



ment of Isaac W. Rogers, to be Keeper of the Capitol, was duly confirmed.

The Chair then announced a message from His Excellency, the Governor, nominating Thomas R. Purnell, to be State Librarian.

The question recurring on the confirmation or rejection of the nomination, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Holloman, Hyman, Johnston, King, Long, Love, McCabe, McCauley, McCotter, Miller, Murphy, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Troy, Walker and Worth—36.

*Nays*—Messrs. Horton, Merrimon, Nicholson, Todd and Waring—5.

Thereupon the Chair decided that a majority of all the Senators elect having voted in the affirmative, the nomination of Thomas R. Purnell, to be State Librarian, was duly confirmed.

The Chair then announced a message from His Excellency, the Governor, nominating the following persons as trustees of the North Carolina Institution for the Deaf and Dumb and the Blind, to-wit : John Nichols, Albert Johnson, R. S. Tucker, C. D. Heartt, Jas. J. Nowell, W. W. White, Handy Lockhart,

On motion, it was ordered that the vote be taken separately on each nomination.

Thereupon the question recurring on the confirmation or rejection of the nomination of John Nichols, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Ellis, of Catawba, Eppes, Grandy, Harris, Holloman, Humphrey, Hyman, Johnston, King, Long, McCabe, McCotter, Miller, Scott, Seymour, Smith, Walker and Worth—21.

*Nays*—Messrs. Avera, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Gudger, Horton, Love, Merrimon, Murphy, Nicholson, Norwood, Powell, Ransom, Stafford, Todd, Troy and Waring—19.

Thereupon the Chair declared that a majority of all the Senators not having voted in the affirmative, the nomination was not confirmed.

Mr. Norwood moved to reconsider the vote just had.

The yeas and nays were ordered, and the motion prevailed. Yeas 25, nays 16.

*Yeas*—Messrs. Allen, Barnhardt, Cramer, Ellis, of Catawba, Eppes, Grandy, Harris, Holloman, Humphrey, Hyman, Johnston, King, Long, McCabe, McCotter, Miller, Murphy, Norwood, Ransom, Scott, Seymour, Smith, Stafford, Walker and Worth—25.

*Nays*—Messrs. Avera, Cowles, Cunningham, Davis, Dunham, Ellis, of Columbus, Gudger, Horton, Love, McCauley, Merrimon, Nicholson, Powell, Todd, Troy and Waring—16.

Mr. Love, thereupon, raised the following point of order: That, as by the Constitution, it required a majority of all the Senators elect to confirm a nomination, it required a like majority to reconsider any vote had on the same.

The Chair decided that the point was not well taken.

From the decision of the Chair Mr. Love appealed to that of the Senate.

Pending the consideration of this appeal, on motion, the Senate, sitting in executive session, adjourned.

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SENATE CHAMBER, February 5, 1874.

The Senate having gone into executive session, the roll was called and the following Senators answered to their names:

Messrs. Allen, Avera, Barnhardt, Cowles, Cramer, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Grandy, Hill, Horton, Humphrey, Johnston, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Nicholson, Norwood, Powell, Price, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

The question recurring on the appeal taken by Mr. Love



from the decision of the chair on the 22d January, 1874, it was by consent withdrawn.

The question then recurring on the confirmation or rejection of John Nichols, the yeas and nays were ordered and the Senate voted as follows:

*Yeas*—Messrs. Allen, Barnhardt, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Hill, Humphrey, Johnston, Long, Mabson, McCabe, McCotter, Miller, Murphy, Murray, Norwood, Powell, Ransom, Scott, Smith, Stafford, Troy, Walker, Welch and Worth—26.

*Nays*—Messrs. Avera, Cowles, Davis, Dunham, Horton, Love, McCauley, Morehead of Guilford, Morehead of Rockingham, Nicholson, Price, Todd and Waring 13.

Thereupon the Chair declared that a majority of all the Senators having voted in the affirmative, the appointment of John Nichols was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Albert Johnson, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Allen, Cowles, Cramer, Ellis of Catawba, Grandy, Hill, Humphrey, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Ransom, Scott, Smith, Troy, Walker, Welch and Worth—23.

*Nays*—Messrs. Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Love, Morehead of Rockingham, Nicholson, Price, Stafford, Todd and Waring—14.

Thereupon the Chair declared that a majority of all the Senators not having voted in the affirmative, the appointment of Albert Johnson was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of R. S. Tucker, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Allen, Barnhardt, Cowles Cramer, Cunningham, Davis, Ellis of Catawba, Long, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nor-

wood, Powell, Scott, Smith, Stafford, Troy, Walker, Welch and Worth—22.

*Nays*—Messrs. Avera, Dunham, Ellis of Columbus, Grandy, Hill, Horton, Johnston, Love, Mabson, McCabe, McCauley, Nicholson, Price, Ransom, Todd and Waring—16.

Thereupon the Chair declared that a majority of all the Senators not having voted in the affirmative, the nomination of R. S. Tucker was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of C. D. Heartt, the yeas and nays were ordered and the Senote voted as follows:

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cramer, Davis, Ellis of Catawba, Eppes, Long, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Troy, Walker, Welch and Worth—20.

*Nays*—Messrs. Cunningham, Dunham, Ellis of Columbus, Grandy, Hill, Horton, Johnston, Love, Mabson, McCabe, McCauley, McCotter, Nicholson, Ransom, Todd and Waring—16.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative the nomination of C. D. Heartt was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of J. J. Nowell, the yeas and nays were ordered and the Senate voted as follows:

*Yeas*—Messrs. Cowles, Cramer, Cunningham, Ellis of Catawba, Eppes, Grandy, Hill, Humphrey, Johnston, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murray, Norwood, Powell, Ransom, Scott and Smith—24.

*Nays*—Messrs. Allen, Avera, Barnhardt, Davis, Dunham, Ellis of Columbus, Horton, Murphy, Nicholson, Price, Todd, Waring and Worth—13.

Thereupon the chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of J. J. Nowell was not confirmed.

Mr. Dunham moved to reconsider the vote had on the nomination of Albert Johnson.



The motion prevailed.

The question then recurring on the confirmation or rejection of the nomination of Albert Johnson, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Cowles, Cramer, Ellis of Catawba, Eppes, Grandy, Hill, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Stafford, Troy, Walker, Welch and Worth—27.

*Nays*—Messrs. Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Johnston, Love, Nicholson, Price, Todd and Waring—13.

Thereupon the Chair declared that a majority of the Senators elect having voted in the affirmative, the nomination of Albert Johnston was duly confirmed.

Mr. Dunham moved to reconsider the vote had on the nomination of R. S. Tucker.

The motion prevailed.

The question then recurring on the confirmation or rejection of the nomination of R. S. Tucker, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Cramer, Cunningham, Davis, Ellis of Catawba, Eppes, Hill, Horton, Long, Mabson, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Stafford, Troy, Walker, Welch and Worth—28.

*Nays*—Messrs. Avera, Ellis of Columbus, Grandy, Love, McCotter, Nicholson, Price, Todd and Waring—9.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of R. S. Tucker was duly ratified.

Mr. Dunham moved to reconsider the vote had on the nomination of C. D. Heartt.

The motion prevailed.

The question then recurring on the confirmation or rejection of C. D. Heartt, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Barnhardt, Cowles, Davis, Ellis of Catawba, Eppes, Horton, Humphrey, Long, Mabson, McCabe, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Ransom, Scott, Seymour, Troy, Walker, Welch and Worth—28.

*Nays*—Messrs. Avera, Cunningham, Ellis of Columbus, Love, Nicholson, Todd and Waring—7.

Thereupon the Chair declared that a majority of all the Senators having voted in the affirmative, the nomination of C. D. Heartt was duly confirmed.

Mr. Dunham moved to reconsider the vote had on the nomination of J. J. Nowell.

The motion prevailed.

The question then recurring on the confirmation or rejection of the nomination of J. J. Nowell, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Eppes, Grandy, Humphrey, Johnston, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Troy, Welch and Worth—26.

*Nays*—Messrs. Allen, Barnhardt, Davis, Dunham, Ellis of Columbus, Horton, Love, Nicholson, Price, Todd and Waring—11.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of J. J. Nowell was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of W. W. White, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Cramer, Grandy, Hill, Humphrey, Long, Mabson, McCabe, McCotter, Miller, Morehead of Rockingham, Murphy, Norwood, Powell, Ransom, Seymour and Welch—16.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Love,



Morehead of Guilford, Nicholson, Price, Scott, Stafford, Todd Troy, Waring and Worth—19.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of W. W. White was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of Handy Lockhart, the yeas and nays were ordered, the Senate voted as follows :

*Yeas*—Messrs. Allen, Cowles, Cramer, Eppes, Grandy, Hill, Humphrey, Johnston, Long, Love, Mabson, McCabe, McCauley, McCotter, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Troy, Walker, Welch and Worth—27.

*Nays*—Messrs. Avera, Barnhardt, Cunningham, Davis, Dunham, Ellis of Columbus, Horton, Miller, Nicholson, Price, Todd and Waring—12.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of Handy Lockhart was duly confirmed.

The Chair announced a message from His Excellency, the Governor, nominating G. W. Welker, John R. Harrison, Jacob S. Allen, John M. Coffin and Stewart Ellison for Directors of the State Penitentiary.

The question recurring on the confirmation or rejection of the nomination of G. W. Welker, the yeas and nays and were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Cramer, Eppes, Grandy, Hill, Humphrey, Johnston, Long, Mabson, McCabe, McCotter, Ransom, Seymour and Walker—13.

*Nays*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring, Welch and Worth—24.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of G. W. Welker was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of Jno. R. Harrison, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Stafford, Troy, Walker, Waring and Worth—26.

*Nays*—Messrs. Cramer, Davis, Eppes, Grandy, Johnston, Mabson, McCabe, Micholson, Price, Seymour and Todd—13.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of John R. Harrison was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of J. S. Allen, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Scott, Stafford, Troy, Waring, Welch and Worth—28.

*Nays*—Messrs. Grandy, Hill, Mabson, McCabe, McCotter, Nicholson, Seymour and Todd—8.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative the nomination of J. S. Allen duly was confirmed.

The question then recurring on the confirmation or rejection of the nomination of John M. Coffin, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Barnhardt, Cowles, Cunningham, Davis, Dunham, Ellis of Catawba, Ellis of Columbus, Horton, Humphrey, Long, Love, McCauley, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Stafford, Todd, Troy, Walker, Waring and Worth—28.

*Nays*—Messrs. Grandy, McCabe, McCotter and Nicholson.—4.



Thereupon the chair declared that a majority of all the Senators elect having voted in the affirmative the nomination of John M. Coffin, was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Stewart Ellison, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Allen, Avera, Cunningham, Davis, Dunham, Ellis of Columbus, Eppes, Grandy, Horton, Humphrey, Long, Love, McCauley, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Troy, Walker, Waring and Worth—26.

*Nays*—Messrs. Barnhardt, Cowles and Todd—3.

Thereupon the chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of Stewart Ellison was duly confirmed.

Mr. Seymour moved that a message be sent to His Excellency, the Governor, informing him of the action taken by the Senate in Executive Session.

On motion, the Senate, sitting in Executive Session, adjourned.

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SENATE CHAMBER, February 10th, 1874.

The Senate having gone into Executive Session, the Chair announced a message from His Excellency nominating John W. Cole to be a Trustee of the North Carolina Institution for the Deaf and Dumb and the Blind.

The question recurring on the confirmation or rejection of the nomination, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Humphrey, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Powell, Ransom, Scott, Seymour, Smith, Stafford, Troy, Welch and Worth—30.

*Nays*—Messrs. Merrimon, Nicholson, Price and Todd—4.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of John W. Cole was duly confirmed.

The Chair then announced a message from His Excellency, the Governor re-nominating G. W. Welker to be a director of the State Penitentiary.

The question recurring on the confirmation or rejection of the nomination, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Cramer, Grandy, Harris, Hill, King, Long, Mabson, McCabe, Morehead of Guilford, Ransom, Seymour, Smith and Walker—13.

*Nays*—Messrs. Avera, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Horton, McCauley, Merrimon, Miller, Morehead of Rockingham, Murray, Nicholson, Norwood, Powell, Price, Scott, Stafford, Todd, Troy, Waring and Worth—22.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative the nomination of G. W. Welker was not confirmed.

The chair then announced a message from his Excellency, the Governor, nominating the following persons to be directors of the Insane Asylum of North Carolina, to-wit: W. Whitaker, T. G. Walton, G. W. Stanton, T. L. Banks, T. M. Argo, E. B. Haywood, S. G. Coffin, J. G. Ramsey, E. W. Pou, C. L. Harris, J. M. Pool, A. Betts, W. D. Jones, J. W. Hood and G. W. Brodie.

The question then recurring on the confirmation or rejection of the nominations, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Cramer, Cunningham, Ellis of Columbus, Grandy, Hill, Humphrey, King, Long, Mabson, McCabe, Miller, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford and Walker—21.

*Nays*—Messrs. Allen, Avera, Cowles, Ellis of Catawba,



Gudger, Harris, Horton, Merrimon, Nicholson, Price, Ransom, Todd, Troy, Waring and Worth—15.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the several nominations for directors of the Insane Asylum were not confirmed.

Mr. Avera moved to reconsider the vote just had. The motion prevailed.

The question then again recurring on the confirmation or rejection of the several nominations, Mr. Seymour moved that the vote be taken on each nomination separately. The motion prevailed.

The question then recurring on the confirmation or rejection of the nomination of Wesley Whitaker, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, King, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Powell, Scott, Seymour, Stafford, Todd, Walker, Welch and Worth—28.

*Nays*—Messrs. Allen, Horton, Merrimon, Nicholson, Price, Troy and Waring—7.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative the nomination of W. Whitaker was duly confirmed.

The question then recurring on the confirmation or rejection of T. G. Walton, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Humphrey, King, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—34.

*Nays*—Messrs. Horton, Nicholson and Price—3.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of T. G. Walton was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of G. W. Stanton, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Humphrey, King, Long, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—34.

*Nays*—Messrs. Horton, Nicholson and Price—3.

Thereupon the Chair decided that a majority of all the Senators elect having voted in the affirmative, the nomination of G. W. Stanton was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of T. L. Banks, the yeas and nays were ordered and the Senate voted as follows:

*Yeas*—Messrs. Cramer, Grandy, Gudger, Harris, Hill, McCabe, McCotter, Miller, Powell, Seymour, Smith and Walker—12.

*Nays*—Messrs. Allen, Avera, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Horton, McCauley, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Price, Scott, Stafford, Todd, Troy, Waring and Worth—21.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative the nomination of T. L. Banks was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of T. M. Argo, the yeas and nays were ordered, and the Senate voted as follows:

*Yeas*—Messrs. Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Grandy, Gudger, Harris, Hill, Humphrey, Long, McCabe, McCotter, Miller, Morehead of Rock-



ingham, Murphy, Norwood, Powell, Ransom, Stafford, Troy, Walker and Welch—22.

*Nays*—Messrs. Allen, Avera, Cowles, Horton, McCauley, Morehead of Guilford, Murray, Nicholson, Price, Todd, Waring and Worth—12.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of T. M. Argo was not confirmed.

The question then recurring on the confirmation or rejection of E. B. Haywood the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Cowles, Cunningham, Ellis of Columbus, Gudger, Horton, Humphrey, Long, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Price, Ransom, Scott, Smith, Stafford, Troy, Walker, Waring, Welch and Worth—27.

*Nays*—Messrs. Cramer, McCabe, Nicholson and Todd—4.

Thereupon the Chair decided that a majority of all the Senators elect having voted in the affirmative the nomination of E. B. Haywood was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of S. G. Coffin, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Horton, Humphrey, Long, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—31.

*Nays*—Mr. Nicholson—1.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of S. G. Coffin was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of J. G. Ramsey, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Todd, Troy, Walker, Welch and Worth—26.

*Nays*—Messrs. Horton, Morehead of Rockingham, Nicholson and Waring—4.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of J. G. Ramsey was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of E. W. Pou, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Avera, Cowles, Cramer, Cunningham, Ellis of Catawba, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring and Worth—31.

*Nays*—Messrs. Horton and Nicholson—2.

Thereupon the chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of E. W. Pou was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of C. L. Harris, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Cramer, Ellis of Catawba, Gudger, Harris, Hill, Humphrey, Long, McCabe, McCotter, Miller, Morehead of Guilford, Powell, Ransom, Scott, Seymour, Smith, Walker and Welch—18.

*Nays* — Messrs. Allen, Avera, Cowles, Cunningham, Ellis of Columbus, Horton, McCauley, Morehead of Rockingham, Murphy, Murray, Nicholson, Norwood, Stafford, Todd, Troy, Waring and Worth—17.

Thereupon the Chair decided that a majority of all the Senators elect not having voted in the affirmative, the nomination of C. L. Harris, was not confirmed.



The question then recurring on the confirmation or rejection of the nomination of J. M. Pool, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—32.

*Nays*—Messrs. Horton, Nicholson and Price—3.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of J. M. Pool was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of Anderson Betts the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Avera, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Humphrey, Johnston, Long, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Welch and Worth—32.

*Nays*—Messrs. Horton and Nicholson—2.

Thereupon the chair declared that a majority of all the Senators elect having voted in the affirmative, the nomination of Anderson Betts was duly confirmed.

The question then recurring on the confirmation or rejection of the nomination of W. D. Jones, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Cunningham, Ellis of Columbus, Harris, Hill, Long, McCabe, McCotter, Miller, Murphy, Powell, Ransom, Scott, Seymour, Smith, Walker and Welch—16.

*Nays*—Messrs. Allen, Avera, Cowles, Horton, McCauley, Morehead of Guilford, Morehead of Rockingham, Murray, Nicholson, Norwood, Price, Stafford, Todd, Troy, Waring and Worth—16.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of W. D. Jones was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of J. W. Hood, the yeas and nays were ordered, and the Senate voted as follows :

*Yeas*—Messrs. Cramer, Cunningham, Harris, Hill, Humphrey, Long, McCabe, Morehead of Guilford, Murphy, Murray, Norwood, Powell, Scott, Seymour, Smith and Walker—16.

*Nays*—Messrs. Allen, Avera, Cowles, Ellis of Catawba, Horton, McCauley, Miller, Nicholson, Price, Stafford, Todd, Troy, Waring and Worth—14.

Thereupon the Chair declared that a majority of all the Senators elect not having voted in the affirmative, the nomination of J. W. Hood was not confirmed.

The question then recurring on the confirmation or rejection of the nomination of G. W. Brodie, the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Allen, Cowles, Cramer, Cunningham, Ellis of Columbus, Gudger, Harris, Hill, Long, McCabe, McCauley, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Troy, Walker, Welch and Worth—26.

*Nays*—Messrs. Avera, Ellis of Catawba, Horton, Nicholson, Todd and Waring—6.

Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative the nomination of G. W. Brodie was duly confirmed.

Mr. Allen offered the following resolution which was read and adopted :

“ *Resolved*, That a message be sent to the Governor informing him of the confirmation and ratification of the following nominations, to-wit : That of John W. Cole to be a trustee of the North Carolina Institution for the Deaf and Dumb and the Blind, and those of Wesley Whitaker, T. G



Walton, G. W. Stanton, E. B. Haywood, S. G. Coffin, J. G. Ramsey, E. W. Pou, J. M. Pool, Anderson Betts and G. W. Brodie to be directors of the Insane Asylum of North Carolina; and that the Senate has rejected the nominations of G. W. Welker to be a director of the State Penitentiary, and of T. L. Banks, T. M. Argo, C. L. Harris, W. D. Jones and J. W. Hood to be directors of the Insane Asylum, and that the Senate will sit in Executive Session for the purpose of receiving such communications as he may think fit to make on the 12th instant at 3½ P. M."

On motion, the Senate, sitting in Executive session adjourned.

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SENATE CHAMBER, February 12, 1874.

The Senate having gone into Executive Session, the President announced a message from His Excellency the Governor, nominating S. N. Martin to be a Director of the State Penitentiary.

The question recurring on the confirmation or rejection of the nomination the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Avera, Barnhardt, Chamberlain, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Eppes, Flemming, Grandy, Gudger, Harris, Hill, Holloman, Horton, Hyman, King, Long, Love, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker Waring, Welch and Worth—40.

*Nays*—Messrs. Davis, Merrimon, Nicholson and Price—4.

Thereupon the chair declared that a majority of all the Senators elect having voted in the affirmative the nomination of S. N. Martin was duly confirmed.

The Chair then announced another message from His Excellency the Governor, nominating W. R. Myers, James B. Mason, W. T. Faircloth, P. R. Harden and James D. Uzzell to be Directors of the Insane Asylum.

The question recurring on the confirmation or rejection of the nominations the yeas and nays were ordered and the Senate voted as follows :

*Yeas*—Messrs. Barnhardt, Chamberlain, Cowles, Cunningham, Ellis of Catawba, Ellis of Columbus, Flemming, Grandy, Gudger, Hill, Holloman, Hyman, King, Long, Love, Mabson, McCabe, McCauley, McCotter, Miller, Morehead of Guilford, Morehead of Rockingham, Murphy, Murray, Norwood, Powell, Ransom, Scott, Seymour, Smith, Stafford, Todd, Troy, Walker, Waring, Welch and Worth—37.

*Nays*—Messrs. Avera, Davis, Horton, Merrimon, Nicholson and Price—6.

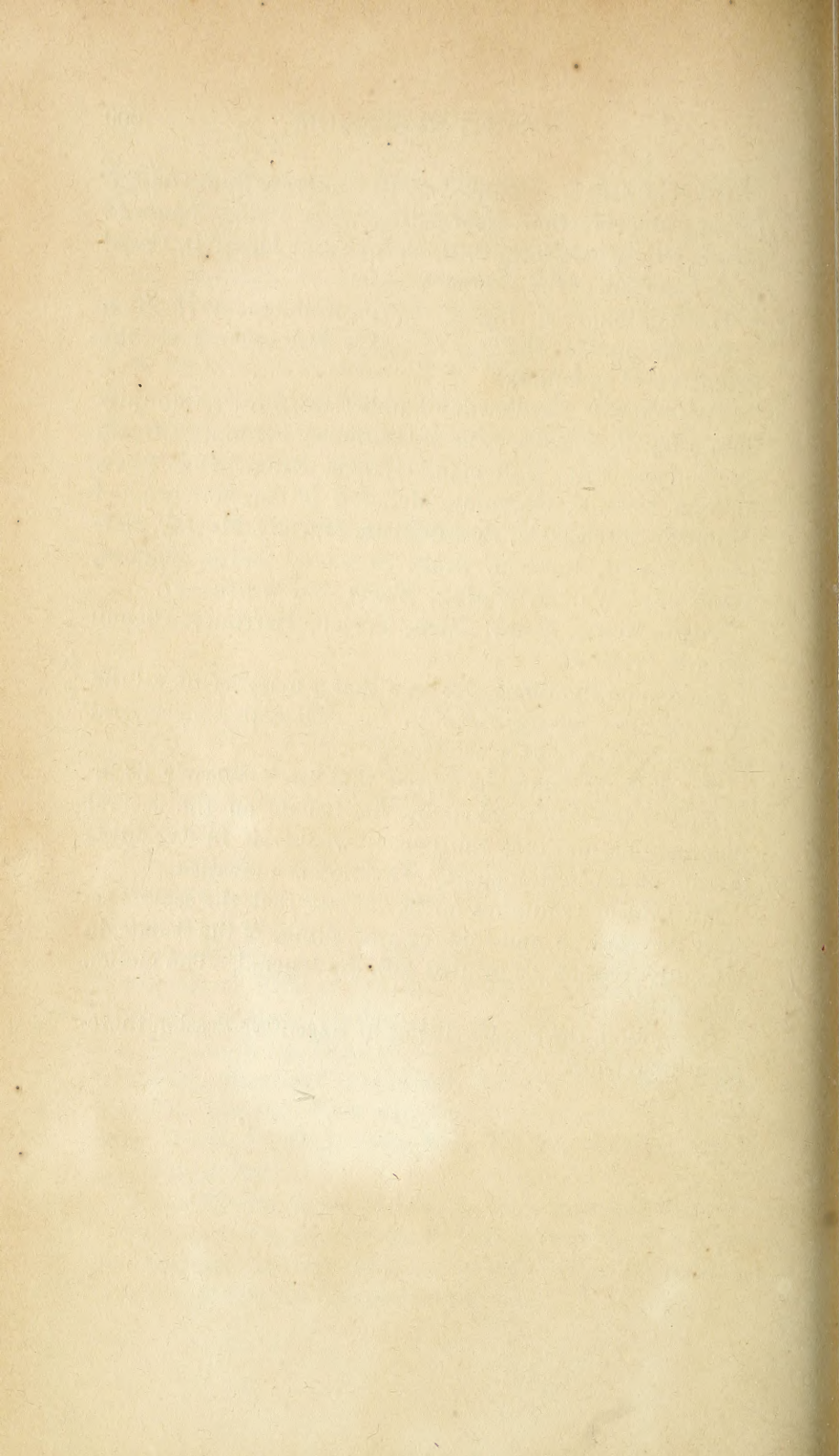
Thereupon the Chair declared that a majority of all the Senators elect having voted in the affirmative the several nominations were duly confirmed.

Mr. Ellis of Columbus moved that the Governor be informed of the action taken by the Senate on the several nominations, and that the Senate would sit in Executive Session on the 14th instant. The motion prevailed.

Mr. Ellis of Columbus further moved that the seal of secrecy be removed, and that the proceedings of the Senate, in Executive Session, be printed with the Journal. The motion prevailed.

On motion, the Senate sitting in Executive Session thereupon adjourned.





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TO THE

SENATE JOURNAL,

SESSION OF 1873-'74.





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